the labour gazette

ANNIVERSARY ISSUE — 1975

Celebrating 75 years of service

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1975 marks our 75th Anniversary

1975 marks The Labour Gazette's 75th year of publication — and the Canada Department of Labour's 75th anniversary.

Since its founding in 1900, the Department has seen many changes in its organization and in the social and economic environment in which it functions. But the Department's basic foundation and raison d'être has remained the same — concern for all individuals who are employed or seeking work, and for all those individuals, groups and institutions that are responsible for or associated with work.

Steady progress has been made over the past 75 years toward fulfilling the Department's basic objectives.

The Department has established a mandate to promote and, where necessary, to protect:

- the rights of the parties involved in the world of work;
- opportunities for work;
- a working environment conducive to physical and social well-being;
- a fair return for efforts in the workplace.

In this special number, The Labour Gazette looks at the Canada Department of Labour and reviews some of its accomplishments over the years. It also takes a forward look, pondering what the Department may be doing in the years ahead.

This number does not attempt to describe all the Department's activities since 1900; it highlights the main initiatives and programs undertaken on behalf of the Canadian working community. Among the contents are articles on human rights, the quality of working life, industrial relations, labour legislation, safety in employment, international labour affairs and library services.

Labour Canada Travail Canada

Contents

Message from the Minister
Page 584

Message from the Deputy Minister
Page 585

The Story of The Labour Gazette
Page 587

Canada's Ministers of Labour
Page 591

Canada's Deputy Ministers of Labour
Page 595

Departmental History:
Introduction
Page 597

The New Department:
Reorganized and Redefined
Page 603

Dedicated to Dispute Settlement
Page 609

Promoting Constructive
Labour-Management Relationships
Page 613

Canada Labour Relations Council
Page 617

Canada and the ILO:
The Past Quarter Century
Page 618

FEP Legislation:
How Far Have We Come?
How Far Yet to Go?
Page 625

The Women's Bureau Is 21
Page 629

From "Why Not?" To "When?"
Page 633

The Canadian Worker
in a Changing Economy
Page 637

The Growth of
the Canadian Labour Movement
Page 643

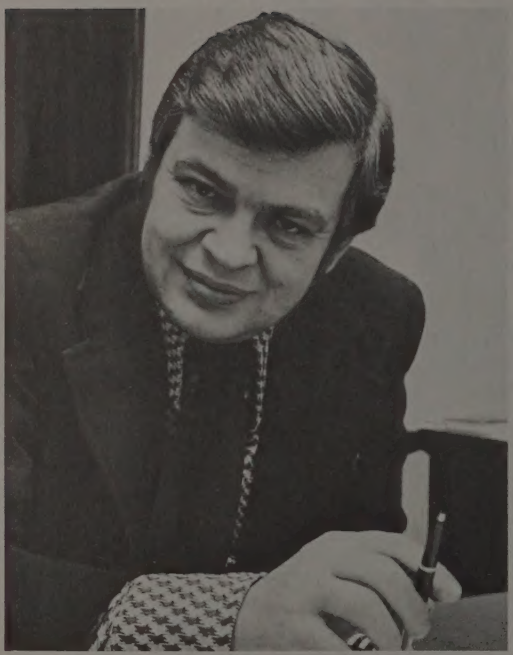
A Review of Labour Legislation
in Canada
Page 651

The Composition of
Labour Relations Boards in Canada
Page 657

Labour Standards:
What lies ahead?
Page 661

Great Expectations:
Occupational Safety and Health,
the next 75 years
Page 665

Canada Department of Labour Library
Page 669



Message from the Minister

Since its inception in 1900 the Canada Department of Labour has compiled an enviable record of achievement. It has helped Canadian workers attain one of the highest standards of living in the world, it has been a potent force in bettering the working environment, it has played a major role in shaping our labour legislation and it has greatly furthered the cause of good industrial relations in this country.

Over the years *The Labour Gazette* has mirrored these developments. Since its first issue, under the editorship of William Lyon Mackenzie King, the *Gazette* has served as a source of labour-related facts, figures, news and opinion. It has anticipated trends in dispute settlement, human rights, working conditions and labour standards; and it has become a forum for discussion of prime problems and issues affecting the world of work.

Today's complex and unsettled socio-economic climate makes it more important than ever that the *Gazette* continue to play a leading role: imparting knowledge, furthering understanding and contributing to the process through which consensus is reached. Indeed the role of the Department of Labour itself might well be defined in these terms.

Today we face problems and challenges equal and probably greater than any encountered since 1900; and the Department must be in a position to act with vigour and effectiveness. To this end it has raised its sights, set itself new goals and is rebuilding its organization.

It was Sir Wilfrid Laurier who predicted that "the 20th Century belongs to Canada." I believe it will also be known as a century of progress and achievement for those who serve the workforce and the people of this country.

—John Munro

Message from the Deputy Minister

The past 75 years have witnessed — and *The Labour Gazette* has so recorded — many significant events and advances in the field of labour affairs. And recent developments might lead one to believe that in 1975 we have reached some sort of climax:

It is a year in which Canada's industrial relations system, and the practice thereof, has attracted more public attention and concern than ever before. It is a year in which the federal Department of Labour, through a reappraisal of its goals and roles and the rebuilding of its organization, is seeking a more vital and effective role in the world of work. It is a year that brought the inauguration of the Canada Labour Relations Council on ways and means of achieving industrial peace. It is also International Women's Year. And, as fate would have it, it is the 75th anniversary of the Department of Labour and of *The Labour Gazette* and *La Gazette du Travail*.

One hesitates to predict what the next few years may bring. No doubt they will be as tumultuous as any we have seen in the past. No doubt our collective bargaining system — and indeed the Department of Labour itself — will be put severely to the test.

But I am convinced that the collective bargaining system can meet the needs of modern society and is in fact an essential democratic force in determining the allocation of our resources and the distribution of goods and services. The challenge facing those of us in labour affairs is to make the system work effectively for the benefit of all.

I am optimistic enough to believe that in the not-too-distant future, writers for *The Labour Gazette* will be in a position to record that we are making good progress toward this vital objective.

—T.M. Eberlee

THE

LABOUR GAZETTE

THE JOURNAL OF THE DEPARTMENT OF LABOUR

Vol. I—No. 1 SEPTEMBER, 1900 Price Three Cents

THE LABOUR GAZETTE.

THE *Labour Gazette* is an official publication by the Dominion Government, under the authority of the Conciliation Act, 1900. It is the Journal of the Department of Labour, and is published with a view to the dissemination of accurate statistical and other information relating to labour conditions and kindred subjects. It will be issued monthly, and the matter contained in its columns is intended to be of service to workmen and others desiring reliable data in regard to questions especially affecting labour, and such topics as have a bearing on the status and well-being of the industrial classes of Canada.

The *Gazette* will not be concerned with mere questions of opinion, nor will it be the medium for the expression of individual views. It is an official publication, and as such will seek to record only such statements of fact, and such collections of statistics, as are believed to be trustworthy. In the selection and publication of these, care will be taken to have the information as complete and impartial as possible, and so to arrange it that, while furnishing from month to month facts and figures of current interest, these may at intervals be classified and compiled in such a manner as to show, over periods of time, the trend and development of the subjects dealt with. The work thus undertaken will, it is hoped, establish a basis for the formation of sound opinions, and for the drawing of correct deductions, but these, in themselves, are tasks which lie beyond the scope and purpose of the *Gazette*, and are ends it will seek to serve, not to meet. . . .

In estimating the position and functions of the *Gazette*, its readers must take into account the vast geographical area of the Dominion, the variety of its industries, and the extent of its trade. A sweep of industry, complex and manifold, stretching from ocean to ocean across four thousand miles of continent, is something which the world has known for the first time during the nineteenth century, and is paralleled only by one or two countries of the globe. But this is one of Canada's most striking and characteristic features, and in this fact is to be found the real significance and importance of the *Labour Gazette*, as well as the best indication of the aims of the undertaking. This Journal will seek to gather from all parts of the Dominion, facts, figures and information bearing on industrial conditions and the state of the labour market. It will seek to supply intelligence in regard to labour in one locality which may be of value to labour in another; in regard to

Facsimile of Editorial Page of the first Labour Gazette.

The Story of The Labour Gazette

by W.S. Drinkwater,
Editor-in-Chief

Vol. I, No. 1, The Labour Gazette, September 1900. Now, 75 years later, Vol. 75, No. 9, 1975. This is the 75th Anniversary Number of The Labour Gazette.

The Labour Gazette made its first public appearance on the opening day (September 18, 1900) of the 16th annual convention of the Trades and Labour Congress of Canada when Hon. (later Sir) William Mulock, Postmaster General and Minister of Labour, presented the first copy to the President of the Congress, Ralph Smith, MPP. The TLC went on to hold its 71st convention in April 1956, a special session called to dispose of the organization's assets in preparation for its merger two days later with the Canadian Congress of Labour to form the Canadian Labour Congress. *The Labour Gazette* went on to celebrate its 75th birthday by producing this memento, this 75th Anniversary Number.

The Labour Gazette was established by an Act of Parliament, the Conciliation Act, 1900, whose announced purpose was "to aid in the prevention and settlement of trade disputes and the publication of statistical industrial information." The same Act made provision for the establishment of the Department of Labour but the Department's first employee was the Editor of *The Labour Gazette*, a young Toronto newspaperman and graduate of Harvard, William Lyon Mackenzie King.

King had made a favourable impression on Mulock when he showed him, before their publication, some articles on working conditions in the garment industry that he had written for the Toronto *Mail and Empire*. Some of the worst conditions he had found were in firms working, under contract from the Post Office Department, on the making of letter carriers' uniforms. The Postmaster General was shocked. He asked the young reporter to make a report, with recommendations on which the Government could act. From that interview stemmed the Fair Wages Resolution of March 1900.

It was also the occasion on which King told Mulock that what the country needed was a Department of Labour to deal with such problems. Since the 1873 convention of the Canadian Labour Union, labour organizations had been calling for establishment of such a department — and for creation of a labour gazette.

Prior to 1900 almost all the labour legislation in force in Canada had been enacted by the provinces, and it was "limited in scope and wholly lacking in uniformity." Following the reports made by Mackenzie King in 1898 on sweated labour and other unsatisfactory labour conditions, Mulock took steps to establish a federal Department of Labour. It was a touchy venture. Both politicians and the general public were suspicious of anything that looked like "class legislation" and any extra expense involved in setting up a federal labour portfolio was certain to arouse criticism. For these reasons, the title of the Bill introduced in Parliament in 1900 read: "An Act to Aid in the Prevention and Settlement of Trade Disputes and to Provide for the Publication of Statistics and Industrial Information."

When, on June 27, 1900, Mulock "moved for leave to introduce" the Bill, he said it had two objects:

> "By the aid of boards of conciliation, to promote the settlement of trade disputes and of differences that arise from time to time between employers and employees, and between different kinds of employees.
>
> To establish a Department of Labour, which would have the duty of gathering statistical information and other information affecting labour and providing for its publication."

The proposed publication, Mulock explained during second reading of the Bill, would be *The Labour Gazette*, "edited and conducted on the lines of the (Ministry of) *Labour Gazette* in England. "It will," he said, "be a useful publication for all classes concerned in industrial life, whether

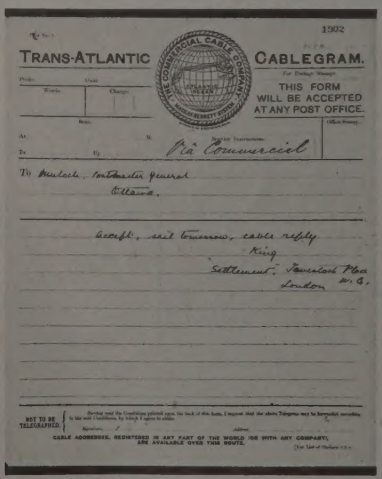
employers or employees, and will enable them better to understand not only the conditions affecting their own side but also the conditions affecting the side of the other party." In this way, the Government hoped, parties in industrial conflicts would be "more ready to adopt peaceful arguments for the settlement of controversies."

Publiciation of Fact

Speaking from the Opposition side of the House, George E. Foster asked whether the proposed periodical was to be a "party publication. . . edited in the interest of the party which for the time being has control of the administration?" Later in the debate, Mulock said "the labour gazette was to be a publication of fact which all might read and comprehend and from which they might draw their own conclusions."

When asked whether he had anyone in mind to edit the gazette, Mulock replied, "I have some one in view, and if we are fortunate enough to get him I think he will be entirely *persona grata* to all classes — the labouring class as well as the employers of labour." That "someone" was William Lyon Mackenzie King. And he had already, on June 26 — the debate on third reading did not take place until July 6 — been offered the position by cable (King was travelling in Europe and considering an offer of a teaching position at Harvard). The cable reached him in Rome. On July 9 King cabled his acceptance to Mulock from London, telling him he would set sail the following day.

The Bill passed third reading as the Conciliation Act, 1900; it received Royal Assent on July 18 and the House adjourned


1902

TRANS-ATLANTIC CABLEGRAM.

THIS FORM WILL BE ACCEPTED AT ANY POST OFFICE.

Via Commercial

To Mulock, Minister of Labour
Ottawa.

accept, sail tomorrow, cable reply
King
Settlement, Toynbee Hall
London

NOT TO BE TELEGRAPHED

CABLE ADDRESSES, REGISTERED IN ANY PART OF THE WORLD OR WITH ANY COMPANY, ARE AVAILABLE OVER THIS ROUTE.

King's acceptance

for summer recess. An Order in Council on July 19 assigned responsibility for carrying out the provisions of the Act to William Mulock, Postmaster General.

Department Established

Section 10 of the Act (later incorporated without change in Section 4 of the Department of Labour Act, 1909) read as follows:

> With a view to the dissemination of accurate statistical and other information relating to the conditions of labour, the Minister shall establish and have charge of a Department of Labour, which shall collect, digest, and publish in suitable form statistical and other information relating to the conditions of labour, shall institute and conduct inquiries into important industrial questions upon which adequate information may not at present be available, and issue at least once in every month a publication to be known as the Labour Gazette, which shall contain information regarding conditions of the labour market and kindred subjects, and shall be distributed or procurable in accordance with terms and conditions in that behalf prescribed by the Minister.

On September 10, Hon. William Mulock recommended that King be appointed Deputy Minister of Labour. The appointment was made September 15 by an Order in Council signed by the Prime Minister, Sir Wilfrid Laurier, and the Deputy Governor General, Hon. Elzéar Taschereau. In October, after the first number had made its appearance, King succeeded in having his friend Albert Harper appointed to the magazine's staff as Assistant Editor. When Harper was drowned in December 1901 in a heroic attempt to save the life of a woman skater who had gone through the ice of the Ottawa River, King obtained R.H. Coats as Assistant Editor.

F.A. Acland, a newspaperman on the Toronto *Globe*, was persuaded by King to join the Department, which he did in 1907, on the unwritten understanding that he would succeed him when he retired from the Civil Service to enter politics. Acland became Deputy Minister and Editor of *The Labour Gazette* in 1908. He remained as Deputy Minister until 1923, when he became King's Printer, but as Editor only until June 1912, when Dr. Coats became Editor. Acland served again as Editor from July 1915 until July 1917 after Coats had become Canada's first Dominion Statistician. When Acland was succeeded as Editor by Bryce M. Stewart in August 1917 the two positions, Editor and Deputy Minister, were finally separated.

Acland had the longest term yet of Canada's Deputy Ministers of Labour, 15 years, but the longest term to date as Editor was served by Harry J. Walker, from August 1936 to April 1958.

French and English Versions

From the beginning, *The Labour Gazette* has been published in French and English versions, but not until October 1949 did *La Gazette du Travail* have its own Editor. Soon after the appointment of an Assistant Editor of *La Gazette du Travail*, the magazine began publishing articles written originally in French rather than articles that were translations.

For its first 50 years the *Gazette* was clothed in the familiar "Government Grey" cover. The Fiftieth Anniversary Number of September 1950 appeared with a two-colour cover, and colour on the cover has been a regular feature since the January 1951 number. The July 1967 issue, commemorating Canada's Centennial, had a four-colour photograph on its front cover, the first in *Gazette* history. Until the end of 1965, the Gazette page measured 6 1/2 by 9 3/4 inches; the first number in 1966 changed to the 8 1/2 by 11 format now becoming standard for periodicals.

In 1900 a subscription to *The Labour Gazette* cost 20 cents a year; single copies sold for 3 cents. The price remained unchanged for almost half a century, until February 1948, when it rose to $1 a year or 10 cents for single copies. Price changes have been more frequent since, increases coming in March 1953, May 1953, April 1955, January 1962 and January 1972, until now the cost is $5 a year and 60 cents for single copies.

For a long time *The Labour Gazette* held to the principle set out on Page 1 of the first number: "to record only such statements of fact, and such collections of statistics, as are believed to be trustworthy. . .care will be taken to have the information as complete and impartial as possible" in the hope that it will "establish a basis for the formation of sound opinions, and for the drawing of correct deductions, but these, in themselves, are tasks which lie beyond the scope and purpose of the *Gazette*, and are ends it will seek to serve, not to meet." But in 1969, the *Gazette* began commissioning acknowledged experts to produce articles, which, because they carried the author's by-line, were permitted to carry the author's opinions.

The advent of the commissioned article transformed the Department's monthly into a lively national journal of labour news and opinion, a forum for fresh thinking and dialogue on labour affairs. It still does not, however, reflect favoritism or prejudice toward, nor serve as a platform for any individual or institution. Now open to discussion of contentious issues, *The Labour Gazette* strives to present as many sides as possible of controversial questions. But it continues to provide a trustworthy record of significant events, trends and developments in the world of labour, both in Canada and abroad.

Labour Gazette Editors

William Lyon Mackenzie King	September 1900 to June 1908
F. A. Acland*	July 1908 to June 1912
Robert H. Coats	July 1912 to June 1915
F. A. Acland	Deputy Minister and Editor, Labour Gazette, July 1915 to July 1917
Bryce M. Stewart**	August 1917 to 1919
Ronald H. Hooper	1920 to 1924
J. H. Magee	1924 to 1936
Harry J. Walker	August 1936 to April 1958
William S. Drinkwater	April 1958 to July 1965
Jack E. Nugent	July 1965 to December 1974
George F. Sanderson	March 1975 to present

Labour Gazette Assistant Editors

Henry A. Harper	October 1900 to December 1901
Robert H. Coats, William W. Edgar	February 1902 to 1912 July 1905 to 1908
Bryce M. Stewart	June 1916 to July 1917
J. H. Magee, William W. Edgar	1920 to 1924 December 1923
Charles W. Rump	June 1936 to October 1942
Joseph W. Willard	October 1942 to February 1943
John Mainwaring	March 1943 to July 1951

*Deputy Minister October 1908 to September 1923
**Deputy Minister October 1940 to December 1942

William S. Drinkwater	August 1951 to April 1958
William R. Channon	June 1958 to January 1961
Richard M. Dyke	December 1961 to June 1964
Frank. Dubervill (Production)	April 1965 to March 1973
J. Diane Armstrong	November 1972 to October 1973
Jean A. Sattar	April 1974 to February 1975
Sharleen Bannon	April 1975 to present

Editors, la Gazette du Travail

Charles A. St. Arnaud	October 1949 to September 1951
Guy de Merlis	January 1952 to November 1963
Georges D'Astous	January 1965 to August 1969
Egide Dandenault	September 1969 to May 1971
Jean Chabot	September 1971 to May 1973
Oswald Mamo	June 1973 to present

Assistant Editors, La Gazette du Travail

R. S. Catta	June 1970 to June 1974
André Luchaire	March 1975 to present

Historical Research: Karl Goransson

Canada's Ministers of Labour

by Kathleen E. Whitehurst,

Staff Writer, The Labour Gazette

Sir William Mulock,

K.C., K.C.M.G.

1900-1905

First federal Minister of Labour

Sir Allen Bristol Aylesworth,

K.C., K.C.M.G.

1905-1906

Authority on constitutional law

Hon. Rodolphe Lemieux,

K.C., LL.D.

1906-1909

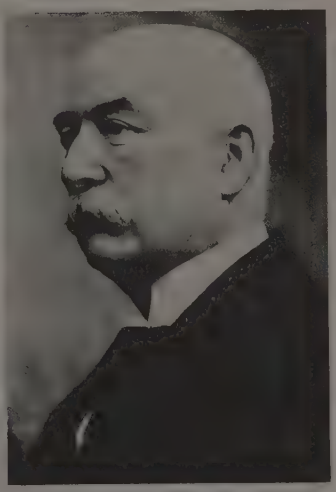
"A born diplomatist"

Rt. Hon. William Lyon Mackenzie King,

O.M., C.M.G., LL.D.

1909-1911

First full-time Labour Minister



Hon. Thomas Wilson Crothers,

K.C.

1911-1918

Whole of First World War

Senator Gideon Decker Robertson,

LL.D.

1918-1921; 1930-1932

First Minister from Labour's ranks

Hon. John Campbell Elliott,

K.C.

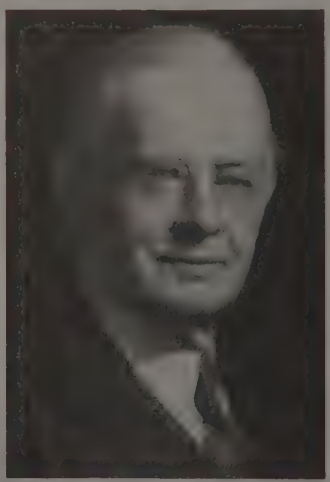
1926

Minister less than four months

Hon. Peter Heenan

1926-1930

"Peter the Peacemaker"



Hon. James Murdock

1921-1925

High office in railway union

Hon. George Burpee Jones

1926

Busy with election activities

Hon. Wesley Ashton Gordon,

K.C.

1932-1935

Headed three Departments

Hon. Norman McLeod Rogers

1935-1939

The scholar in public life

Hon. Humphrey Mitchell

1941-1950

Minister longer than any other

Hon. Michael Starr

1957-1963

Inquiry on disruption of shipping

Hon. Norman Alexander McLarty, K.C.

1939-1941

Organized civilians for war effort

Hon. Milton Fowler Gregg

1950-1957

President of U.N.B.

Hon. Allan Joseph MacEachen

1963-1965

"War on Poverty" program

Hon. John R. Nicholson,
O.B.E., Q.C.
1965-1968

Momentous changes for Department

Hon. Bryce Mackasey
1968-1972

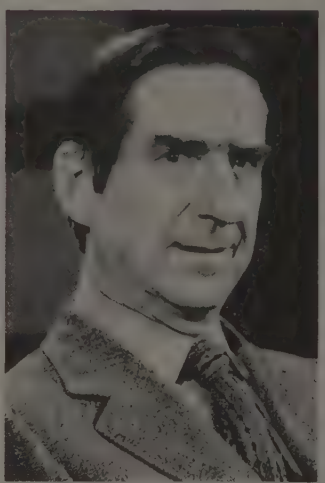
Canada Labour Code

Hon. John Carr Munro
1972-

Canada Labour Relations Council

Hon. Jean-Luc Pépin
1968

Three-month post



Hon. Martin O'Connell
1972

I.R.D.I. Act replaced

Canada's Deputy Ministers of Labour

F.A. Acland
1908-1923

Longest term

William M. Dickson
1934-1940

Unemployment the problem

W.L. Mackenzie King,
C.M.G., M.A., LL.B.
1900-1908

Drafted I.D.I. Act

Howard H. Ward
1923-1934

Old age pensions

Bryce M. Stewart
1940-1942

Wartime problems

Arthur MacNamara
1943-1953

Manpower mobilization

George V. Haythorne
1961-1968

Active in ILO affairs

Bernard Wilson
1971-1973

Master Mediator

Arthur H. Brown
1953-1960

Canada Labour Relations Board

J. Douglas Love
1968-1971

Preventive mediation service

Thomas M. Eberlee
1974-

New objectives; new organization

Departmental History: Introduction

For more than a century men have perceived in Canada the promise of a better life for them and their families. To them this country offered liberty and the maintenance of Old World ties, individual economic freedom and hard work, freedom of enterprise and security.

Essentially an agrarian and commercial nation until this century, Canada came late into modern industrialism, dragged into the twentieth century and away from her bucolic past by a force and sequence of events too powerful to deny.

Through most of the nineteenth century Canada existed as a figment only of visionary statesmen's imagination. Geographically, this incipient nation was an absurd metaphysical impossibility. Its population was strung out in a thin discontinuous strip of habitation 3,000 miles long; its hinterland was unpeopled and unexplored, unmapped and unappreciated. It was and is a country of regions and the simple act of drawing a frontier upon the map seemed, in 1867, unlikely to overcome the natural barriers of the Canadian Shield, the Great Lakes or the Rocky Mountains. But the CPR, completed in 1886, confounded the natural north-south communication and commercial inclination by putting wheels under the National Policy of Sir John A. Macdonald.

Suddenly, the prairies were populated, the cities grew, the age of wood, wind and water came to an end in the Maritimes, giving new importance to coal mining and manufacturing and emphasizing the interdependence of the provinces. Industrial centres grew and so did the non-agricultural labour force.

Some politicians were quick to recognize the implications of the growth in numbers of wage earners in the cities — Sir John A. Macdonald was one of them — but most had their eye on the development of the West. With the coming of the railway, a torrent of migrants swept into the West to work the land they would later claim was the breadbasket of the world, and to mine the rich coal seams of the foothills and mountain passes.

By late in the nineteenth century the peak immigration had been passed. New immigrants were collecting in the cities, forming a labour pool. Unions, already well established, were expanding in the railway trades, printing, moulding, the construction trades, shipbuilding and mining. They could not be ignored by local, provincial or the Dominion governments.

Thus, in 1900, just in time for an election, a Canada Department of Labour was formed. The Department was the dream of successive unionists from the early 1870's. But ultimately it was formed, only because unions and their members attained sufficient political strength by the year 1900 to upset the ever-so-delicate balance between the employers and the employed, the government and the governed.

The Department's history falls into three major periods. The first lasts from 1873, when the idea was first proposed, until about 1937. This period may be characterized as a time of condescension toward organized labour, while the attitude of labour (with some notable exceptions) is generally complaisant — even servile. During the second period (1937-1944) condescension is replaced by grudging acceptance and servility by militancy. The third period (1944 to the present) is one of a growing sense of partnership.

— Fraser Isbester

Canada Department of Labour

Chronology

1900—Conciliation Act created Department of Labour.

1900—Administration of Fair Wages Resolution of (March) 1900 turned over to the Department on its organization.

1900—Department of Labour Library established.

1900—Labour Gazette first published in September.
1903—Railway Labour Disputes Act enacted; administration placed under Minister of Labour.
1906—Conciliation and Labour Act enacted, consolidating Railway Labour Disputes Act and Conciliation Act.
1907—Industrial Disputes Investigation Act enacted.
1909—Labour Department Act created separate Labour portfolio.
1910—Combines Investigation Act passed; administration placed under Minister of Labour.
1911—Labour Statistics Branch established.
1911—First edition of *Labour Organizations in Canada* published.
1915—First annual report on *Labour Legislation in Canada* issued.
1918—Employment Offices Co-ordination Act passed; Employment Service Branch formed to administer it.
1919—First International Labour Conference, Washington, D.C. Canadian delegation was "one of the most complete representations."
1919—Combines and Fair Prices Act repealed Combines Investigation Act.
1919—National Industrial Conference held in Ottawa after issue of Report of Royal Commission on Industrial Relations.
1919—Technical Education Act enacted; Director of Technical Education named to the Department.
1921—First of the annual reports on wage rates and hours of labour published.
1922—Administration of the Government Annuities Act (1908) transferred to the Minister of Labour from the Postmaster-General; Annuities Branch established.
1923—New Combines Investigation Act enacted and placed under the Minister of Labour.
1927—Administration of the Old Age Pension Act placed under the Minister of Labour.
1927—Labour Intelligence Branch formed.
1930—Fair Wages and Eight-Hour Day Act enacted.
1930—Unemployment Relief Act passed; administration assigned to the Minister of Labour.
1931—Unemployment and Farm Relief Act passed; administration given to the Minister of Labour.
1932, 1933, 1934, 1935—Relief Acts passed.
1935—Administration of Old Age Pensions Act transferred to Department of Finance.
1936—Unemployment Relief and Assistance Act passed.
1937, 1938, 1939, 1940—Unemployment and Agricultural Assistance Acts passed.
1938—Formation of Canadian Association of Administrators of Labour Legislation.
1939—Youth Training Act passed.
1940—Unemployment Insurance Act passed; Unemployment Insurance Commission takes over the Employment Offices in 1941; Employment Services Branch closed.
1941—Wartime Bureau of Technical Personnel established.
1942—Industrial Relations Branch formed.
1942—Vocational Training Co-ordination Act passed; Canadian Vocational Training Branch formed; Youth Training Act of 1939 expired.
1942—Control of Unemployment Insurance Offices transferred temporarily to Minister of Labour to handle the administration of National Selective Service Civilian Regulations.
1942—Re-instatement in Civilian Employment Act made the responsibility of the Minister of Labour.
1942—Research and Statistics Branch formed.
1942—Labour Intelligence Branch disbanded.
1942—National Registration transferred from the Department of National War Services to the Department of Labour.
1942—Legislation Branch formed.
1943—Dominion-Provincial Farm Labour Program began.
1943—Information Branch formed.
1944—Industrial Production Co-operation Board established.
1945—National Selective Service Manpower Controls revoked September 17, control of men in agriculture ended November 15.
1946—Wage Controls terminated December 1, 1946; National Registration ended August 15.
1946—International Labour Organization Branch formed.
1946—Polish veterans arrive in Canada for placement on farms, and first of "displaced persons" resettled in Canada.
1947—National Selective Service Civilian Regulations revoked March 31.
1947—Regional Offices of the Bureau of Technical Personnel closed March 31.
1947—Labour-Management Co-operation Service established May 15, 1947.
1947—Department's Office in Vancouver, administering the settlement of Japanese, closed.

1948—Industrial Relations and Disputes Investigation Act enacted; Canada Labour Relations Board established by the Act.
1948—Control of the Movement of Japanese in Canada revoked March 31.
1949—Economics and Research Branch superseded Research and Statistics Branch.
1950—Government Employees' Compensation Act and Merchant Seamen's Compensation Act transferred to the Department.
1950—Special Services Branch formed.
1950—Department inaugurated plan to assist women to come from United Kingdom for employment in domestic service in Canada.
1951—National Advisory Council on Manpower established February 1951.
1951—Great Lakes Seamen's Security Regulations issued, effective March 22, 1951.
1951—National Advisory Committee on the Rehabilitation of Disabled Persons established December 29, 1951.
1952—National Co-ordinator of Civilian Rehabilitation appointed; Civilian Rehabilitation Branch formed.
1953—Canada Fair Employment Practices Act came into effect July 1, 1953.
1954—Women's Bureau established.
1954—Special Services Branch given responsibility for program to stimulate winter employment.
1955-56—Interdepartmental Committee on Winter Employment constituted.
1956—"Do It Now — Why Wait for Spring" campaign organized.
1956—Female Employees' Equal Pay Act came into effect October 1, 1956.
1957—Great Lakes Seamen's Security Regulations expired.
1958—Annual Vacations Act enacted.
1958—Municipal Winter Works Incentive Program launched.
1959—Department of Labour hostel at St. Paul L'Ermite for newly arrived immigrants closed December 31. Similar hostel at Ajax, Ont., closed in 1953.
1961—Technical and Vocational Training Assistance Act superseded Vocational Training Co-ordination Act.
1962—Vocational Rehabilitation of Disabled Persons' Act came into effect April 1.
1963—Maritime Transportation Unions Trustees Act passed.
1963—Winter House Building Incentive Program and Supplementary Federal Government Winter Construction Program introduced.
1963—Government Employees' Compensation Branch renamed Accident Prevention and Compensation Branch.
1964—Labour Standards Branch formed, August 1964.
1964—Manpower Consultative Service formed.
1964—Information Branch and Labour Gazette Branch merged to form Information and Labour Gazette Branch.
1965—Canada Labour (Standards) Code passed (to take effect July 1, 1966).
1965—Transitional Assistance Benefit Program introduced.
1966—Manpower programs of the Department transferred to the Department of Citizenship and Immigration to become nucleus of Department of Manpower and Immigration (January 1, 1966).
1966—Canada Labour (Safety) Code passed.
1966—Task Force on Labour Relations set up.
1966—Labour-Management Co-operation Service became Labour-Management Consultation Branch.
1966—Department of Labour Library became Library Services Branch.
1966—Annuities Branch renamed Industrial Pensions and Annuities Branch.
1967—Information and Labour Gazette Branch renamed Public Relations and Information Services Branch.
1967—Fair Employment Practices Branch established to assume responsibility from Industrial Relations Branch for administration of Canada Fair Employment Practices Act.
1967—Creation of Conciliation and Arbitration Branch and Employee Representation Branch from the Industrial Relations Branch.
1967—Department host to Eighth Regional Conference of American States Members of ILO; Minister of Labour elected president of Conference.
1968—Canada Labour (Safety) Code proclaimed in force, giving the Department the responsibility for accident prevention in industries under federal jurisdiction.

1968—Fair Employment Practices Branch assists in planning and development of Canadian Commission for International Human Rights Year.

1968—Economics and Research Branch participated in research programs of Prime Minister's Task Force on Labour Relations, of which Branch Director served as chief executive officer.

1968—Final report of Board of Trustees of the Maritime Transportation Unions.

1968—Fair Wages and Hours of Labour Act amended and new regulations passed to reduce standard workweek from 44 to 40 hours.

1968—Working committee formed of representatives of Canada Department of Labour and the secretariat of the Royal Commission on the Status of Women in Canada to undertake research in areas of interest to the Department.

1968—Amendment to Canada Labour Code Regulations (General) excludes persons in scientific professions from application of Code.

1968—Labour Counsellor position in London, England, created.

1969—The Transitional Assistance Benefit Program was extended twice during the year.

1970—Preventive mediation service, comprising a team of Industry Specialists, established in Conciliation and Arbitration Branch.

1970—Program of "affirmative action" to provide increased opportunities for training and employment for minority groups, launched by Fair Employment Practices Branch.

1970—The Director of the Women's Bureau was named Canadian delegate to the United Nations Commission on the Status of Women and appointed to the ILO Panel of Consultants on the Problems of Women Workers.

1970—The National Industrial Relations Film Library, in co-operation with labour and management organizations, and the National Film Board, established by the Department.

1970—Administration of the Government Annuities Act, together with the Industrial Pensions and Annuities Branch, transferred to the Unemployment Insurance Commission.

1972—The Canada Labour Code, an Act consolidating labour statutes, enacted. Part II of the Code, concerning Female Employees —Equal Pay, repealed and equal pay provisions included in Part III of the Canada Labour Code (Labour Standards).

1973—Part V of the Canada Labour Code (Industrial Relations) proclaimed; replacing the Industrial Relations and Disputes Investigation Act, it was the first revision of the federal industrial relations law since 1948.

1973—The new Canada Labour Relations Board appointed.

1973—A symposium on social indicators of the quality of working life convened by the Department.

1973—To end nation-wide strike of non-operating railway employees, the Railway Operations Act, 1973, passed on September 1; arbitration award of Hon. Emmett M. Hall delivered January 16, 1974.

1975—Canada Labour Relations Council established.

The Department's New Headquarters, Place du Portage, Hull Québec

The New Department:

Reorganized and Redefined

by Ted S. Weinstein,
Public Relations Branch

The Canada Department of Labour is one of the oldest Ministries of Labour in the Western Hemisphere. And it is fitting that, in this year marking the 75th anniversary of its creation, the Department should be undergoing a major reorganization and redefinition of its role. The Department has been flexible throughout its history, keeping pace with the sometimes traumatic changes that have occurred in Canada and throughout the world. In view of the ever-dynamic socio-economic conditions during the past few years, the Department has reassessed its roles and goals, and is on its way to forging a new place for itself in labour affairs.

The field of labour affairs is a broad one, encompassing all people either employed or looking for work, all employers, all unions and employee or employer associations, and the three levels of government and their various agencies. These components, working within the framework of Canada's economic and social needs, are linked together in a complex interdependence. Yet all of them retain their individuality and their self-interests, which often clash with the goals of the other parties, or which result in non-co-operation. Compounding this is the extensive range of programs sponsored by the various partners in labour affairs, programs that at the same time contain both overlaps and gaps.

This means that there is a prospect of growing disruptions in labour affairs, and it points out the need for new — or at least better — methods or programs for interaction and co-operation. All parties in labour affairs require a clearer understanding of the inter-relationships at work. They must clarify their roles in labour affairs, both their roles as individuals and their roles vis-à-vis the other partners. All parties must be flexible enough to change their goals or modify their relationships as circumstances demand. This the Department of Labour is doing: re-evaluating its role in Canadian labour affairs. It is examining its position and function regarding workers, employers, and other government departments. It is planning its roles and goals for the years ahead. And it is projecting its needs to perform its new functions.

Catalytic and Influential

With so many individuals, employers, unions and governments involved in labour affairs, overlaps, confusion, and misunderstandings can and do occur. Leadership in labour affairs is often lacking. In this context, the Department of Labour has modified its role: besides carrying out its various program responsibilities, the Department will be a more catalytic and influential part of labour affairs.

An example can serve to illustrate this point. Much confusion and misunderstanding surrounds the strike or work stoppage. Are strikes always symbolic of conflict? Do they always occur for economic reasons? Do unions have too much power? A large segment of Canada's population would answer "yes" to these questions. In reality, strikes occur for many reasons. Yet the public perceives only apparent conflict. Strikes often happen because, to workers who are alienated at their jobs, or feel anonymous on the assembly line, calling a strike and walking a picket line — most often at contract time — is the only means available for them to vent their frustrations. It allows them to express their opinions, let their employers know that they are individuals. In many ways, a short work stoppage may be industrial therapy.

A strike is not necessarily a bad thing. Strikes do not necessarily reflect the polarization of union and management. Our society offers a great range of choices on just about everything, and in such an environment, it is easy for confusion to happen.

A deeper public understanding of the roles of unions, management, and government is needed if collective bargaining is to work. Collective bargaining has come under much criticism lately, but perhaps there is nothing wrong with it as a concept. Perhaps the structure of the process needs modification. This will be one of the questions the newly created Canada Labour Relations Council will tackle.

New Role Demonstrated

In forming the Council, the Department of Labour demonstrated its new role as a catalyst in labour affairs. The Council, a tripartite body composed of union, management, and government representatives, will consider ways and means to develop more rational and constructive means of improving labour-management relations, procedures by which unions and management can use collective bargaining to reconcile their differences. It is a unique forum for top-level national representatives of major unions and companies to try to solve problems common to themselves, and that affect Canada as a whole.

The Department of Labour has only recently assumed a more agressive role in labour affairs. The federal Government's input to this field is limited under the British North America Act, which assigns to the provinces primary jurisdiction over property and civil rights. Parliament may, however, legislate with respect to work carried out in a province that is considered important to Canada as a whole or to two or more provinces. Originally, the Department of Labour's influence through the Conciliation Act of 1900 extended to settling disputes through conciliation and to publishing industrial statistics. Subsequent legislation extended federal influence by altering existing forms of collective bargaining and creating voluntary conciliation in industries where work stoppages could affect the national interest.

The concept of a total federal responsibility for Canada's labour force was rejected in 1925, however, when the Judicial Committee of the Privy Council held that questions of labour relations fell within provincial jurisdiction. During World War II, the federal Government again assumed a dominant role in labour affairs by extending its policies to wartime industries. With peace, authority reverted to the previous distribution of powers.

Increasing Complexities

Since 1945, the differing approaches taken by the federal Government and the provinces have introduced increasing complexities into labour affairs. These complexities have caused overlaps among provincial and federal programs. The Department of Labour has influenced important changes and improvements in such areas as labour standards, human rights, and safety and health; the Department was a leader in legislating the improvements for industries under federal jurisdiction, and some provinces have since equalled or surpassed the federal example.

Within the federal Government itself, departments sharing some concerns with the Department of Labour include Manpower and Immigration, National Health and Welfare, Environment, and Transport. Among the federal policies and programs with potential interrelationships are Labour's safety standards, Environment's community health standards, Manpower's retraining and mobility schemes, and National Health's income maintenance programs. Overlaps of departmental programs are not necessarily bad, but there must be some way for these departments to consult with one another, to know what the other is planning. Seeing labour affairs in a broad context (compared with the narrow context of industrial relations), the Department of Labour will be working with other Government departments to find the best possible solution to a given problem or issue. Owing to the complexity of our society, there can never be a definitive separation of Government responsibilities, but one of the Department of Labour's roles will be that of a catalyst in the search for answers to different issues.

Unresolved Issues

Some of the unresolved issues for which solutions are being sought include the allocation of economic resources, the difficulty of creating and supplying jobs for those who want to work, changing attitudes toward work, and ordering the relative value of the work to be done (who should be paid how much for what job). These issues indicate two needs currently lacking in labour affairs: a method for consultation among the partners in labour affairs, and clarification of the partners' interrelationships in solving the issues. When these needs are met, the parties in labour affairs will be able to start resolving questions such as:

—How big is the economic pie that is to be divided among Canadian individuals and companies?

—What constitutes a fair share of the "pie" for any one party?
—How will this share be calculated?
—What role should labour, management, and government take in formulating the growth policies of Canada?
—What are the rights of the public in an industrial dispute?
—Can disputes be resolved more effectively with or without direct government intervention?

Realizing that the Department of Labour is not fully equipped to handle, or even act on questions such as these, the Department has studied its special characteristics, the scope of its responsibilities, and the strength of its position in labour affairs. The Department concluded that it must be responsive to the rights, interests, and desires of all groups in labour affairs. Bearing this in mind, the proposed goal of the Department of Labour is to work with and help all individuals, both employed and unemployed, and all individuals, groups, and institutions responsible for or associated with work.

New Organization Required

In view of this ambitious goal, the Department is currently "rethinking" its roles in order to be better able to analyse issues and problems, assemble a range of solutions, and act on the most appropriate of these. Its new directions require a new organization to carry them out. Past short-term solutions have not been successful, and have sometimes carried too high a price for momentary industrial or economic peace.

To fulfil its goal, the Department must work in partnership with the other parties in labour affairs. This will mean sharing policies and working toward a common aim. To fulfil its goal successfully, the Department must be impartial, must be a link between the many parties involved in labour affairs and in the socio-economic good of Canada. This, then, is the Department's new role: **TO PROMOTE AND PROTECT:**
(1)THE RIGHTS OF PARTIES INVOLVED IN THE WORLD OF WORK,
(2)A WORKING ENVIRONMENT CONDUCIVE TO PHYSICAL AND SOCIAL WELL-BEING,
(3)A FAIR RETURN FOR EFFORTS IN THE WORK PLACE. (IN ALL CASES ENSURE EQUITABLE ACCESS TO EMPLOYMENT OPPORTUNITIES).

Looking at these roles individually, the first one is based on the reasoning that everyone involved in labour affairs has rights. These rights are either perceived or real. Rights are not absolute for everyone. There is a need to continually re-examine the relative rights of the many parties in labour affairs, so that the rights of one party do not infringe on the rights of others.

Protection of the working environment is the second role. Physical safety for workers has been looked after through standards, legislation, and inspections. Concern regarding the biological health of workers has been extended to the well-being of the community at large: How many pollutants can factories legally emit? What is the effect of lead on people living around factories? What does industrial noise do to a community? There are increasing demands for measures to improve the quality of working life in the interests of both social and mental well-being of both workers and their communities.

But there are problems in improving the quality of working life because of overlaps and gaps in jurisdictional responsibility. In addition, the demands for safe working places and communities have become part of negotiations between employees and employers, and of confrontations between industries and the public. What may not be known are the economic trade-offs necessary in meeting the demands. The application of general standards of protection may have an effect on the supply of jobs, or the wages a company can pay, as well as on agreements that employees and employers have reached between themselves: Do workers want higher wages or increased protection? Does a community want sustained employment or environmental safeguards? The interests of physical and social well-being in the workplace would be better served by the development of an improved understanding among all concerned of the costs of protection, how these costs are paid for, and by whom.

The third role, the protection of compensation for the work effort, is based on the concept of people's being financially self-sufficient. The old saying about a fair day's pay for a fair day's work has been modified. A day's pay now includes pension plans, wage increases, and other benefits. Employers see a fair return as meaning, in addition to showing a profit, funds to undertake research, to expand, and to provide jobs. What is needed is an understanding of "fair return" and the variety of possible approaches to achieve a more equitable distribution of money and resources.

Ensuring the promotion of opportunities for work is founded on the need people have for satisfaction in life. For those persons

seeking work or already working, there should be available the greatest number of jobs to match their individual goals and needs. Governments provide various training and assistance programs to help people find jobs and to help employers find workers. But economic uncertainties can cause problems and fluctuations in the job markets. Thus, the Department of Labour will try to influence the development of flexible policies needed to produce a better understanding of the factors affecting such issues as the supply of and demand for jobs; regional disparity; or industrial growth.

How can the Department of Labour successfully put these roles into practice? The Canada Labour Relations Council is one concrete example of the Department's ability to respond to an issue. And to ensure that the Department is adaptable, flexible, responsive, and sensitive to the issues of the day, it is reorganizing its infrastructure in order to better serve its labour affairs partners.

In broad terms, the new organization will give the Department a better ability to meet its primary functional responsibilities through the rethinking of its "program mix". The rethinking indicated the necessity of three areas in the Department's new organization: policy development, program support, and program implementation.

Policy Development

In taking a more active role in labour affairs (policy development), the Department of Labour will identify current and emergent issues and assign them priorities. It will determine its own role in the issues, and assist in or on its own totally develop policies to deal with them. It will decide whether it will be a catalyst in finding solutions, influence another partner in labour affairs, or whether one of its own programs can effectively handle the situation. To accomplish this, the Department will have access to up-to-date statistics, as well as other information on industrial relations and economic trends. It will analyse and evaluate this information and the implications of its actions. It will evaluate also the effectiveness of existing and proposed policies and test these to determine the most suitable plan of action.

In its program support function, the Department will decide the best, most effective means of carrying out its policies. It will assess existing policies and policy objectives, and compare these with new programs it has at its disposal. After choosing the most appropriate program, the Department will pick the best means of putting it into action, and determine whether other labour affairs partners can help in implementing the policy.

The third function, program implementation, will allow the Department to allocate resources to ensure its chosen policy is put into action. This area will also ensure the effective management and monitoring of the policy and its results; if the chosen program is not producing results, the Department will choose another option.

Substantial Changes

There will be many substantial changes in the existing organization of the Department of Labour to allow the new roles and goals to be put into effect. The new organization calls for decentralization into five regions. At head office, there will be seven groups, several of which are newly created, or groups made up of divisions from former branches. The groups are: Policy co-ordination, International and Provincial Relations, Research and Program Development, Federal Mediation and Conciliation Services, Administrative Policy and Services, Organization and Program Implementation, and Legal Services. Of these, the Legal Services group will be constituted in much the same way as it now exists.

Policy Co-Ordination

The Policy Co-ordination group will be one of the two major co-ordinating units. It will be similar to a sensor system, identifying public concerns in economic and social policy, and funnelling this information to the appropriate group equipped to handle it. The group will examine issues which have broader meaning for the Department than its current programs, and will also formulate policy options for the Department's senior management to consider.

Policy Co-ordination will work within both broad and specific areas of economics, labour affairs, and social policy. Some problems it will face will not be strictly within the purview of the Department. But there are few government or industry policy changes today that do not affect the Department of Labour clients: workers, employers, unemployed persons. A new transportation policy has ramifications for thousands working under federal jurisdiction. Social issues such as unemployment insurance premiums or income maintenance programs can have an effect on collective bargaining. The Policy Co-ordination group will examine issues not readily apparent but which will have ramifications for labour and for the Department.

The Policy Co-ordination group will not formulate solutions; rather, after identifying

potential issues, the decided policy will be carried out by others, possibly by the Research and Program Development group and by field officers.

International and Provincial Relations
The International and Provincial Relations group will be the other major co-ordinating group. It will organize the Department's participation in international and federal-provincial bodies by liaising with provincial governments and international agencies. Besides co-ordinating the Department's participation in federal-provincial conferences, it will represent the Department and Canada in labour affairs at international levels, and maintain labour counsellors in Brussels, London, and Washington. It will analyse Canada's degree of compliance with International Labour Office (ILO) Conventions, and indicate what actions will be necessary to achieve compliance with the Conventions.

Research and Program Development
The Research and Program Development group will be composed of seven subgroups. The subgroups are tentatively called: Labour Data, Economic Analysis, Rights in Employment, Conditions of Work, Occupational Health and Safety, Employment Relations, and Library and Information Services.

The Labour Data subgroup will collect, process, and distribute research data through the planning, design implementation, and evaluation of surveys examining wages and salaries, working conditions, collective agreements, work stoppages, and labour organizations.

Economic Analysis will play a supporting role in the development of policies and programs by conducting research on on-going trends in the total Canadian economic environment that might affect or be affected by activities in the labour field.

Rights in employment will maintain programs now conducted by the Department in this area. This subgroup will attune itself to future human rights development and create new programs and policies designed to ensure that all individuals have fair and equal opportunities to obtain employment, receive promotions, and get just and impartial treatment on the job.

Conditions of work subgroup will develop programs and policies with the aim of achieving economic conditions fair to both employers and employees. These conditions include wages and salaries, pensions, and forms of insurance, and working conditions such as hours of work. As well, it will conduct research into such things as the relationship of compensation and working conditions to turnover rates and absenteeism.

Occupational Health and Safety will develop policies and programs to promote safe and healthy working conditions. It will examine issues such as the effects of asbestos, vinyl chloride, and excessive noise. The subgroup will become concerned with the excessive outputs of industrial wastes in the community, e.g., lead or mercury. And the subgroup will also administer employment injury benefits for employees under federal jurisdiction and seamen not covered by other compensatory legislation.

The Employment Relations subgroup will conduct research, design programs, and evaluate Departmental policies relating to labour-management services. It will develop policies and programs directed toward the development and growth of constructive labour-management relations. Coming under its scope will be the process of industrial democracy, and structures within the process, such as co-determination. The subgroup will also conduct specific studies on aspects of labour-management relations, and develop mechanisms for improved labour-management relations during the closed period of a contract.

Library and Information Services will provide published and unpublished material for the use of the Department, other government departments, and the public. Besides maintaining the Departmental library service, it will maintain files and operate a media clipping service. It will also provide a legislative research service to conduct research into labour laws, their regulations, and related administrative practices, in all jurisdictions in Canada. Further services are provided in the answering of inquiries and the publication or other dissemination of informative material relating to labour legislation.

Conciliation Services
The Federal Mediation and Conciliation Services group will provide services in conciliation, mediation, and arbitration for industries under the Canada Labour Code through research, implementation of conciliation, mediation, and arbitration services, and program evaluation. Besides researching for conciliation, mediation and arbitration (e.g., preparing briefs, cost estimates of settlements, and other documents to be used during the settlement of disputes), it will participate in the development and evaluation of Departmental policies regarding dispute settlement. (The group will also represent the Department on committees, task forces, and organizations.)

Administrative Policy and Services

The Administrative Policy and Services group will comprise six subgroups: Personnel, Financial Services, Data Processing, Administrative Services, Public Relations, and Security. This group will develop and/or interpret management policies appropriate to the needs of the Department. The subgroups will assess various policies and develop alternative means of implementation for senior management. They will provide assistance in formulating program forecasts and estimates. And they will liaise between the Department and various agencies on matters related to governmental management policies.

Organization and Program Implementation Group

The Organization and Program Implementation group's job will be to work internally on certain concerns, such as the smooth departmental transition to this new organization. With a limited life span of approximately two years, it will assist in developing program options, and basically oversee the implementation of the reorganization.

Decentralization Anticipated

Many of the functions of the groups and subgroups will be performed outside the National Capital region, as the Department decentralizes into five regions. The regions (the location of the regional managers' headquarters in parenthesis) are: Mountain Region, taking in British Columbia, Alberta, the Yukon, and the Northwest Territories (Vancouver); Central Region, including Saskatchewan, Manitoba, and Northwestern Ontario (Winnipeg); Great Lakes Region, encompassing the rest of Ontario (Toronto); St. Lawrence Region, serving all of Québec (Montreal); and the Atlantic Region, including the three Maritime provinces and Newfoundland (Moncton).

The departmental staff in these offices will be able to meet client needs better and faster. Under the direction of the regional managers, the staff will work as generalists as well as specialists: for example, as well as being able to carry out plant inspections, they will be able to detect the signs of poor or troubled labour-management relations, analyse the situation, and make recommendations, all from the field location. In this comprehensive type of team operation, problems can be handled on the spot. If necessary, the information can be forwarded to head office for follow-up.

Brief mention was made earlier of senior management. The Department will have a senior management committee which will debate the merits of and approve or turn down any major policy changes, additions, or deletions. Under the direction of the Deputy Minister, the committee will be made up of all five regional managers, the Assistant Deputy Minister of Research and Program Development, the Assistant Deputy Minister, Federal Mediation and Conciliation Services, the senior member of the Policy Co-ordination group, the Special Advisor to the Deputy Minister, and the senior representatives from the International and Provincial Relations and Administrative Policy and Services groups, the Organization and Implementation Group, and Legal Services. It will examine various documents, task force and commission reports, and will be a forum for the resolution of major changes. It is anticipated the senior management committee will meet at least once a month for several days of intense discussion and policy review.

Adaptability, flexibility, sensitivity, responsiveness: this is how the newly organized Department will operate. The Department will adjust its policies or programs as demanded by our ever-changing environment. Its internal staff will respond effectively to issues of diverse nature. The Department will perceive the concerns of the Canadian society and the outside world at many levels. And the Department will act on identified issues with policies and programs — both its own and those of its labour affairs partners — in the solution of such issues to the mutual satisfaction of all concerned.

Conciliation and Arbitration Branch

Dedicated to Dispute Settlement

by W.M. Dempster,
Industry Specialist,
and George Sanderson,
Editor, The Labour Gazette

The past 75 years have been a period of change, challenge and achievement in industrial relations. They have witnessed the evolution of new and improved programs, policies and systems designed to promote industrial peace and improve the collective bargaining process. But one aspect of federal labour policy has remained unchanged through the years: a dedicated preoccupation with settling labour disputes and preventing strikes. From its beginning, the Department has placed major emphasis on its non-partisan peace-keeping role.

The great majority of collective bargaining disputes are settled by the parties without the need for government intervention. But when labour and management are involved in a dispute they cannot settle by themselves, either party may give notice of dispute to the Minister of Labour and request conciliation assistance. Such assistance is provided under the Canada Labour Code (Part V — Industrial Relations), which endeavours to meet the need of today's sophisticated and complex industrial relations system within which federal industries operate.

Industrial relations were relatively much more simple when the federal Government first entered the field of dispute settlement in 1900 when Parliament passed the Conciliation Act, the statute that also established the Department of Labour. The Act, which contained the main features of a law existing in Britain, authorized the Minister of Labour to appoint conciliation officers or a conciliation board to help the contending parties settle their dispute. But nothing in the Act compelled either party to accept intervention. Consequently, it soon became evident that the legislation had serious limitations. One problem was the difficulty of bringing the parties together; another was the difficulty of obtaining accurate information on the issues in dispute. Moreover, it appeared that as strikes ran on, the original problems tended to be overlooked and situations became complicated by a host of new issues. Strikes occurred, too, because neither party desired conciliation assistance.

Compulsion Introduced in 1903 Act.
The first element of compulsion was introduced in the Railway Labour Disputes Act of 1903, which was passed by Parliament following a prolonged strike of trackmen on the Canadian Pacific Railway. The Act was limited in its coverage to railway transportation. It provided for the appointment of a three-member conciliation board established along lines that were to be a familiar feature of subsequent legislation — a nominee of each party to the dispute and a chairman chosen by these two. The Minister of Labour had the authority to nominate a member if either party failed to do so, and to choose a chairman in case of disagreement. The board was granted the power of compulsory investigation to "compel testimony under oath, and the production of documents essential to a knowledge of the true situation." But compulsory conciliation and investigation under the terms of this Act contained no restraints on strikes or lockouts.

In 1906, Parliament enacted legislation combining and extending the provisions of the Conciliation Act of 1900 and the Railway Disputes Act of 1903. But the new Conciliation and Labour Act proved inadequate and was never used effectively in any dispute. It was succeeded by the Industrial Disputes Investigation Act of 1907, which was passed after a major emergency had developed out of a long and bitter strike in the coal fields of Alberta. This Act firmly established the basic principles of subsequent labour disputes legislation. It provided that unions and

employers could not strike or lock out until the dispute had been heard by a board of conciliation on which each side was represented and which was empowered to investigate all the differences between them. The Act stated that the findings of the board were to include "the cause of the dispute and the board's recommendations for the settlement of the dispute according to the merits and substantial justice of the case." The argument in favour of this procedure was that public opinion, informed through the publication of the board's report, would bring pressure to bear on the disputing parties.

Restricted to Federal Jurisdiction

Although the I.D.I. Act was limited in coverage to disputes involving employers of ten or more persons engaged in transport, communications, mining and public utilities, the machinery that it provided was applicable to other industries if both parties to a dispute consented. A 1925 amendment, however, restricted coverage of the Act to disputes in industries under federal jurisdiction.

During the Second World War, a series of orders in council extended the scope of the I.D.I. Act. In 1944, the Wartime Labour Relations Regulations were adopted and incorporated the representation and collective bargaining provisions of the United States National Labor Relations Act.

In 1948, the Industrial Relations and Disputes Investigation Act was passed and retained the principle features of the I.D.I. Act and added, among other things, the representation and collective bargaining provisions of the Wartime Labour Relations Regulations. The Act also established the Canada Labour Relations Board.

In 1972, Parliament replaced the Industrial Relations and Disputes Investigation Act by passing the Canada Labour Code, which was proclaimed in force on March 1, 1973.

Built on the principles embodied in its predecessor, the new federal Act attempts to reflect changes in the industrial relations climate that have occurred during the past quarter century. The flexibility built into this law ought to enable it to cope with future change.

Code's Preamble

A preamble recognizes the long tradition in Canada of labour legislation and policy designed to promote the common well-being through encouraging free collective bargaining and the constructive settlement of disputes. The preamble states that an essential ingredient of our democracy and of free collective bargaining is freedom of association and protection of the right to organize. Under the Code, the Minister of Labour is given more flexible and varied mediation procedures for dispute settlement than was available to him under the former legislation. He may choose from a variety of mediation procedures for disputes settlement. This provides procedural flexibility in bringing disputing parties together.

In addition to his existing authority to appoint a conciliation officer or conciliation board, the Minister has the option to appoint a conciliation commissioner with powers equivalent to a conciliation board. When either party to a dispute notifies the Minister that a dispute exists he may proceed to appoint a conciliation officer, a conciliation commissioner or a conciliation board or, as the law provides, he may decide not to make any appointment.

The right to strike or lock out is established seven days after receipt by the Minister of a report by a conciliation commissioner or conciliation board, or seven days after notification to the parties by the Minister of his intention not to appoint a conciliation officer, a conciliation commissioner or establish a conciliation board.

In addition, the Minister is given the authority, in other circumstances, to appoint a mediator at any time and such action does not curtail or delay the right to strike or lock out. The Code further authorizes the Minister to make inquiries and take other action likely to maintain or secure industrial peace, and to promote conditions favourable to the settlement of industrial disputes or differences.

90% Success Rate

The success of the Code is reflected in the fact that since it has been in operation, almost 90 per cent of those labour disputes coming under its provisions have been settled without work stoppages.

Conciliation and mediation services under Part V of the Code are administered by the Department's Conciliation and Arbitration Branch. Demands on these services have been heavy in recent years, partly because of changes in the general socio-economic climate, and partly because of an increase in collective bargaining activity as a result of more flexible procedures under the Code for a union to obtain certification as a bargaining agent for a group of employees.

During 1974, the Conciliation and Arbitration Branch had a total caseload of 194 disputes; of the 140 disputes dealt with at the

conciliation officer stage, settlements were reached in 98 cases (70 per cent). The recommendations of conciliation commissioners were instrumental in bringing about settlements in 29 disputes; mediators arranged settlements in another eight cases and one dispute was settled at the conciliation board stage. There were 14 legal strikes and 44 disputes were pending at the end of the year. Of the total number of disputes dealt with at all stages, 90 per cent were settled without work stoppage.

Preventive Mediation Service

The Department is not limited, however, to its traditional role of reacting to industrial disputes. An important development was the establishment five years ago of a preventive mediation service comprising a team of industry specialists. The industry specialists consult with management and labour officials in a particular federal industry throughout the life of an agreement in order to clarify problems and develop understanding and co-operation that will make for less contentious bargaining when the agreement comes up for renewal.

Early and sustained mediation has often prevented a hardening of attitudes and helped to avert strikes. In many cases, peaceful settlements have been reached before the expiry dates of the contracts. The industry specialists act also as conciliation officers and as mediators in post-conciliation negotiations. In this capacity, they have an impressive record of settlements.

The Department's dispute settlement team comprises officers who are highly skilled in the art of conciliation and mediation. Resourcefulness, tact and persuasive power are the hallmarks of their profession. In addition, they must exhibit keen perception, a sense of timing and a thorough understanding of the psychology of industrial disputes and of human relations. That they must exercise good judgment and discretion throughout all phases of conciliation and mediation is obvious. Other job requirements include detailed knowledge of labour legislation, administrative expertise and the ability to communicate well.

To deal with various technical aspects of labour-management problems, the Department's conciliation and mediation team receives research support from the Economics and Research Branch.

Regular staff conferences keep the regional officers abreast of the latest industrial relations trends and techniques, and give the officers an opportunity to discuss the issues and problems that they encounter in the course of their work and to benefit from the knowledge and experience of their colleagues.

Promoting Constructive Labour-Management Relationships

by Gail Mathias,
Union-Management Services

The Union-Management Services Branch as it exists today bears little resemblance to the division established in 1947 within the former Industrial Relations Branch of the Canada Department of Labour. As 1975 is the 75th anniversary of the Department, so is it an anniversary of the philosophic basis of joint consultation.

It was about the turn of the century that the federal Government was beginning to endorse the concept of joint consultation as a process that could help to resolve the problems of the workplace. But many years were to pass before recognition of the value of joint consultation was to evolve into a concept actively promoted by a branch within the Department of Labour.

During the Second World War, the Labour-Management Co-operation Service, as it was then known, was promoting the value of labour-management production committees, whose raison d'être was viewed as a contribution to the war effort. After the war, the number of consultation committees continued to grow, but their objectives and functions gradually changed.

A general consensus emerged that consultation committees were good in themselves and that the existence of a committee was a step in the direction of labour-management "co-operation" and "harmony." Quite naturally, these committees tended to concentrate upon resolving relatively innocuous issues, commonly termed "housekeeping" items; for example, the colour of the new cafeteria and where to hold the annual company picnic. (This is not to dismiss completely the value of such discussions, since any unresolved labour-management issue can show up at the bargaining table, in the form of antisocial work behaviour or arbitrary management actions.) In general, however, consultation committees during this period generally steered away from discussion and solving of any controversial problem that might threaten their "harmonious" relationship.

Upgraded to Branch Status

In 1966, the Labour-Management Co-operation Service was upgraded from a division within the Department to the status of a Branch. This acknowledgement seemed to reflect the Department's conviction that consultation had legitimate and valuable implications for a union-management bargaining relationship.

Since then, a transition has occurred among those industrial relations practitioners involved in consultative programs. As in the collective bargaining arena, where the scope of issues being bargained has increasingly broadened, so also at the consultation level. The Branch today advocates that the parties should not restrict themselves concerning what they discuss at the consultation level. This suggestion is an implication that the parties should start doing some "leg-work" on the increasingly complex issues that are reaching the bargaining table; for example, cost-of-living clauses, pension plans, and technological change provisions.

It is during the "closed" period of the collective agreement that the Branch's 18 field officers provide most of their assistance to the parties. Their services focus upon three main types of activities: assisting in the establishment of a committee so that its structure and "modus operandi" will best meet the particular needs of the parties; providing advice and information on issues that the parties discuss in consultation; and finally, constantly seeking ways to upgrade the performance of a committee once it is functioning.

Investigation and Fact-Finding

Before actually becoming involved in the establishment of a committee, the field

officers are expected to carry out investigation and fact-finding with the union and management. First, the field officer meets with union and management separately to ascertain their attitudes toward the process of joint consultation and toward the other party, to discuss what each side hopes to accomplish through a consultative program, and to determine what each side perceives as the main problems in the organization. Through this process, the field officer attempts to determine whether labour and management are committed to resolving problems through consultation, and whether sufficient trust and respect toward the other party exists, so that problem-solving and discussion through consultation is possible. In addition, the field officer, at this preliminary stage, can assess whether both sides have basically similar perceptions of what the main problems in the organization are. The purpose of the separate meetings is to elicit an honest response from each party (in the absence of the other) to the question of their feelings toward the other side. The field officer at this stage will also briefly outline to the parties what consultation in general can accomplish, the purpose and activities of the Union-Management Services Branch, and the kinds of specific assistance the field officer can provide.

Joint Meeting

Shortly after these separate meetings, the field officer arranges a joint meeting with both sides. At this meeting, he will again be assessing the parties' attitudes toward each other, reviewing with them the results of his separate meetings with the parties, and possibly beginning a discussion of the mechanics of setting up a consultative procedure in their organization. Again, at this stage, the field officer tries to make an accurate assessment of the parties' sincerity and commitment to consultation, and to see how each side acts in the other's presence. If all indicators are positive, the field officer will assist the parties in launching their consultation program. If not, he will tell the parties why consultation likely will not succeed in their organization, and recommend against the establishment of what could become a "window-dressing" committee.

If a committee is to be established, the field officer assists the parties to draw up a constitution, terms of reference, and objectives for the committee. In addition, he assists them to determine the number and level of committees and participants necessary to best serve the needs of the particular organization. The field officer may also help to determine the agenda for the first meeting of the committee and even act as the chairman for the first official meeting.

Once the committee is meeting on a regular basis, the field officer can begin to evaluate the performance of the committee, isolate problem areas and suggest where improvement can take place. This evaluation then becomes an on-going process for the field officer, who may be attending meetings of the committee or analysing the minutes he receives from the meetings.

Assistance in Two Ways

The field officer is prepared to offer assistance to the parties in two basic ways. First, there may be problems relating to the operational aspects of the committee, for example, poor chairing of the meetings, lack of minutes and communication of committee results to other employees and management; or a lack of constructive problem-solving. Special training seminars in such areas as improving communication skills, decision-making or problem-solving may then be recommended and even conducted by the field officer.

A second major area in which the field officer can offer assistance is by providing information on the subjects under discussion at the committee's meetings. For example, the parties may be discussing the possible implementation of a job enrichment or flexible working hours system. The field officer will then attempt to provide them with any relevant information on the subject, not acting as an expert on any particular topic, but more as an information broker. The rationale for this position is that a field officer should provide objective information so that the parties may study alternatives and reach their own conclusions on whether a particular experiment will meet their needs. The field officer is not acting as a promoter of concepts that may be untested or even inappropriate to the parties' particular situation.

Finally, the Union-Management Services Branch sponsors conferences for the industrial relations practitioners of the country. These conferences bring together labour, management, government and other interested persons in a neutral arena, where topical industrial relations issues can be debated. Exposure to other persons' viewpoints on such issues as the right to strike or voluntary arbitration in a non-threatening forum can do much to increase understanding without provoking confrontation.

Future Directions

Two new developments will have important

implications for the future objectives and activities of the UMSB. First, the establishment of the Canada Labour Relations Council, bringing together top union, management and government spokesmen, reflects an increasing emphasis on the preventive approach to industrial strife. This approach has been, and continues to be, the philosophic basis of the Union-Management Services Branch.

Second, the reorganization of the Canada Department of Labour that is now taking place is based upon a recognized need for improving the quality of working life for all Canadians. In recognition of the fact that approximately two-thirds of the Canadian work force is unorganized, programs will have to be developed to meet the special needs of this sector. The Union-Management Services Branch will have to explore all mechanisms for improving the communication channels between labour and management, and alternatives for increasing employee participation in decision-making processes. These explorations will lead far beyond the traditional consultation committee structure. In the not-too-distant future, we can expect to see more experiments with such alternatives as semi-autonomous work groups and worker councils, for example. This is not to say that Canadians will import these concepts as they presently exist in other countries.

They may be partially adopted or modified, but above all, the Canada Department of Labour will play a major role in developing the procedures by which industrial democracy becomes more of a reality for all working Canadians.

MARLANE
MOTOR
HOTEL

Canada Labour Relations Council

Establishment of the Canada Labour Relations Council, a tripartite group, with representatives of organized labour, industry and the Canada Department of Labour, was announced July 23, 1975. The Council, whose work will be in the federal jurisdiction, was set up to consider ways and means to promote industrial peace by exploring methods and developing procedures by which labour and management may better reconcile their differences through constructive collective bargaining.

In making the announcement, Labour Minister John Munro said that working through the Council he hoped to establish a continuing dialogue between labour, management, those who invest and those who govern. Canada, he said, was perhaps alone among major industrial nations without a national forum for the discussion on a tripartite basis of labour relations problems. He observed that since 1960 consultation and co-operation between the principal actors on the economic stage had increased tremendously in Europe, in the United States and elsewhere. There was some evidence, he said, that the existence in the United States of such intermediate bodies had helped in some respects to establish a climate required for economic recovery in that country.

The Minister made it clear that he was not seeking formal involvement of the provinces in the direct deliberations of the Council, but that he hoped that the Council would reinforce the high degree of co-operation that already exists between the federal Government and the provinces, as evidenced by meetings of the Canadian Association of Administrators of Labour Legislation and preparatory meetings of the International Labour Organization.

Invitation to serve on the Council was extended to the following:

Management representatives — Murrey Dubinsky, Q.C., Vice-President, Corporate Affairs and Secretary, Trimac Ltd.; G.H. Durocher, Director, Manpower Resources and Labour Relations, Canadian Construction Association; R.J. Gallivan, Manager, Personnel Services Group, Canadian Industries Limited; Hon. W.M. Hamilton, P.C., President and Chief Executive Officer, Employers' Council of British Columbia; R.E. Heneault, Vice-President, Personnel, The Steel Company of Canada Ltd.; Charles Perrault, President, *Conseil du Patronat du Québec*; R.P. Riggin, Vice-President, Corporate Relations, Noranda Mines Limited; W.H. Wightman, Director, Industrial Relations, Canadian Manufacturers' Association and Secretary of the Canadian Employers' Committee of the ILO; and J.C. Anderson, Vice-President, C.P. Rail.

Labour representatives — C.A. Edwards, National President, Public Service Alliance of Canada; William Mahoney, National Director in Canada, United Steel Workers of America; W.C.Y. McGregor, International Vice-President, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; Donald Montgomery, Secretary-Treasurer, Canadian Labour Congress; Joseph Morris, President, Canadian Labour Congress; J.J. Munro, Director, Western Canadian Regional Council No. 1, International Woodworkers of America; Ken Rose, Vice-President in Canada, International Brotherhood of Electrical Workers; Mike Rygus, General Vice-President, International Association of Machinists and Aerospace Workers; and Marcel Pepin, *Président général, Confédération des syndicats nationaux* (CNTU).

Government representatives — Chairman: The Honourable John Munro, Minister, Department of Labour. Members: T.M. Eberlee, Deputy Minister, Department of Labour; W.P. Kelly, Assistant Deputy Minister, Industrial Relations, Department of Labour; and Robert Armstrong, Special Assistant to the Deputy Minister, Department of Labour; Secretary: J.M. Carter, Policy Development Officer, Department of Labour.

Canada and the ILO

The Past Quarter Century

by John Mainwaring,
Director, International Labour Affairs

Unlike the article in the 50th Anniversary Number of *The Labour Gazette* describing the history of Canada's relationship with the International Labour Organization, for which a good deal of research was necessary, this 75th anniversary article is based on reminiscence, rather than research. Reminiscence, and also, perhaps, some speculation about the future.

Any Canadian who has had much to do with the work of the ILO is aware of one sad paradox. Although the ILO is concerned with the largest segment of the Canadian population, the men and women who work, most of these Canadians know little or nothing about what the ILO seeks to do on their behalf. And yet the basic facts about it are simple enough. The International Labour Organization is one of the specialized agencies of the United Nations family. Its object is to improve conditions of labour. For this purpose it maintains a secretariat in Geneva (known as the International Labour Office) and regional or field offices in a number of member countries. The Office carries out research, promotes the exchange of information, issues publications, and arranges for a variety of meetings, the most important of which is the annual International Labour Conference, which brings together each year about 1,500 delegates from 125 member countries. The work of the Office is supervised by an executive board known as the Governing Body.

The truly distinctive feature of the ILO among international organizations is its tripartite structure. Delegates to ILO meetings come from the ranks of labour and employer organizations as well as governments, and exercise full voting rights.

Canada-ILO Relations Transformed

If the past quarter century has transformed Canada, it has transformed the ILO as well, and has certainly transformed relations between Canada and the ILO. One can see this in terms of people, Canadians who have worked for or with the ILO. One can see it also in terms of the policies Canadians have stood for, aimed at strengthening the ILO and fulfilling its objectives, just as Canadians have tried to strengthen the United Nations system generally. One can see it in terms of Canada's internal constitutional development and the emergence of the provincial departments of labour as partners with the federal department in bringing to Canada the benefits of ILO standards and ideas.

The major change for the ILO over the past quarter century has been the change from a relatively small institution, located in Geneva and devoted to the setting of international labour standards, to a much larger organization, truly world-wide in scope, and with operational activities throughout the developing countries. The major change in Canada's relations with the ILO has been one of degree: a higher level of interest and much more active participation, not only by the federal Government, but also by the provinces, not to mention the labour and employer organizations.

In 1950 no one doubted that the principal task of the ILO — its reason for existence — was to develop international standards setting forth desirable conditions of labour. To the extent that member countries applied those standards within their own borders through legislation, the objective of the ILO was fulfilled. My article, therefore, considered Canada's record in seeking to comply with ILO standards in Canada, and to ratify the international labour Conventions adopted by the annual International Labour Conference.

Mixed Success

The record was one of mixed success. Canada's attempt to ratify ILO Conventions was frustrated by its federal constitution. We had ratified a number of Conventions dealing

with subject matter purely within federal jurisdiction; these dealt mostly with the conditions of maritime workers. The federal Government had also ratified three Conventions dealing with industrial workers generally. Federal legislation aimed at complying with these three Conventions, however, had been ruled *ultra vires* by the Judicial Committee of the Privy Council. Thus, Canada could not comply with the international standards on hours of work, weekly rest and minimum wage fixing machinery unless all the provinces as well as the federal Government passed the required legislation. In the absence of such legislation, Canada was in default of the international obligation it had assumed by the ratification of the three Conventions.

The Privy Council suggested in its judgment that it was not beyond the capacity of Canada as a nation, in the totality of its powers, provincial as well as federal, to develop a more satisfactory way of dealing with ILO standards. But in 1950 the prevailing opinion in federal government circles was that the difficulties of seeking provincial conformity with international standards were too great and that any efforts to obtain such conformity would be unavailing.

Provincial Interest

By the 1960's, the situation was changing. On the one hand the various provincial departments of labour were strengthening their interest in international matters. The federal Government had begun to add provincial representatives to the Canadian delegation to the annual Conference in Geneva, so the provinces were better informed. It was decided to seek to ratify one of the important human rights instruments, Convention No. 111, aimed at eliminating discrimination in employment. Letters were sent from the Canadian Prime Minister to the Premiers of the provinces inviting them to agree, and in particular to state that the legislation and policies necessary to conform with the Convention's requirements would be pursued in their various jurisdictions.

Credit must be given to the vision and determination of a persuasive Deputy Minister of Labour, George Haythorne, for his efforts to secure the agreement of the provinces. This was no easy task. Although the official line of communication was between the Canadian Prime Minister and the Premiers, George Haythorne persistently telephoned, urged and persuaded anyone at any level in federal or provincial circles who might get things moving. It took about a year for all provinces to signify their agreement, but eventually, on November 26, 1964, Canada deposited with the Director-General of the ILO its ratification of ILO Convention No. 111.

Canada has since ratified four more Conventions on the basis of federal-provincial consultation. Canada has also achieved virtual compliance with fifteen or twenty more, ratification of which is delayed by minor inconsistencies in the legislation of certain jurisdictions or for other reasons.

Important Procedure Developed

Moreover, an important procedure has been developed to ensure continuing action. Federal and provincial Deputy Ministers of Labour now hold annually, a Meeting on ILO Questions, at which progress toward conformity with ILO standards is regularly reviewed. These federal-provincial meetings have another significant purpose. They review the position the Canadian government delegation is to take at the forthcoming session of the annual ILO Conference. The delegation contains provincial as well as federal members, and its briefing is based on a consensus of the views of both levels of government. Participation of the provinces in ILO work on such a basis was scarcely to be imagined in 1950. It represents an important forward step in Canada's constitutional development.

In this way, Canada has been improving its ability to participate in one important aspect of ILO work, the international standard-setting activity. But although in 1950 international standard-setting was unquestionably the best known and most important of ILO activities, the situation was soon to change.

In the early 1950's the United Nations and its specialized agencies began to devote significant resources to programs of direct assistance to the developing countries. The ILO became deeply involved in these activities. While maintaining its relatively inexpensive programs of research, information, publications and meetings at Geneva, it began to devote a major part of its budget to technical co-operation activities. In 1950 the total budget for all ILO activities was just under $6,000,000. By 1975 the budget had grown to $43,000,000, and in addition the ILO was to receive approximately the same amount from the United Nations Development Program and direct voluntary contributions from member countries for specific technical assistance activities. The ILO thus expected to spend approximately sixteen times as much in 1975 as it did a quarter of a century earlier.

AUTRICHE
AUTRICHE

Stream of Experts Recruited

A continuing stream of experts from Canada, as from other countries, is recruited for ILO projects. The international assistance agencies of a number of the European governments contribute important sums for ILO technical assistance projects on a voluntary co-operative basis. The Canadian aid authorities have made some moves in this direction, but Canada does not as yet have a "presence" in the labour world in developing countries such as is enjoyed by the Scandinavian countries and West Germany.

The ILO's most notable contribution to economic and social development during this quarter century has been to help in the setting-up and strengthening of institutions for technical training and management development throughout the countries of the Third World. There has been less demand from the developing countries for ILO help in labour administration, social security and other subjects close to the original interests of the ILO, but progress has been made in these fields also. The World Employment Program, inaugurated by the ILO some five years ago, holds promise for the future. It has combined research and field projects in support of the objectives of the Convention and Recommendation on Employment Policy adopted by the ILO in 1964.

The most significant change in the ILO over the past quarter century has certainly been the expansion of its operational activities and a corresponding expansion of support activities at headquarters. All this has not been without managerial problems. Political problems were also occasioned when the Soviet Union and Eastern Bloc countries joined the ILO (mid-1950's) and subsequently (during the 1960's) when the newly independent countries of Africa and elsewhere also came into the Organization. The arrival of the Russians called into question the tripartite structure of the ILO, to which the Communist countries have been able to adapt only with difficulty. The Africans, on the other hand, used the ILO as a forum in their struggle against apartheid and colonialism.

Begin to Re-define Objectives

Efforts began to be made in the 1960's to re-define the program objectives of the ILO and also to deal with what the newer members regarded as problems of ILO structure. Successive Canadian government representatives on the ILO Governing Body (including George Haythorne and the present writer) worked at this time for a clear definition of program objectives and functions in the ILO. This had become particularly necessary, because a split had developed between those who considered that the main task of the ILO was international standard-setting and those who argued that the main task had become the provision of technical assistance. Our position was that these two types of activities constituted "means" rather than "ends". The "end" was to improve labour conditions within member countries. This meant activities in such fields as social security, industrial relations, occupational safety and health, employment creation and human rights. And more than activities; it meant programs with defined objectives and means of measuring progress. In determining objectives, the ILO can very often make use of the standards embodied in international labour Conventions or Recommendations. And it can plan and conduct activities designed to bring member countries closer to the targets — whether these involve research, exchange of information, meetings, publications or technical assistance.

Much remains to be done before this concept is fully embodied in the organization's work. For example, the ILO standard-setting system stands particularly in need of reform if it is to be adapted to best serve the objectives the ILO stands for. At present the ILO has 140 Conventions on its books and the number is rising from year to year. This is simply too many for the purpose. Many of the Conventions are out of date and no longer relevant to today's conditions. Many are unrealistic for those countries the ILO is most interested in benefiting, the developing countries. The Canadian Government has put forward a proposal that the ILO should develop a small list of basic and up-to-date Conventions; also that a way be found to make Conventions more responsive to the needs of developing countries, for example, through providing the possibility of ratification on the basis of a minimum standard only, and making the ratification applicable in the first instance to only certain branches of industry. These proposals are to be further studied by the ILO Governing Body.

Canadians Who Have Been Active

This article would not be complete without reference to Canadians who have been active in ILO work over the past quarter century. Among the trade union representatives, three names stand out. The late Claude Jodoin, as vice-president of the Trades and Labour Congress of Canada and subsequently as president of the Canadian Labour Congress, was a strong member of the Governing Body. His successor on the Governing Body, Kalmen

Kaplansky, made an outstanding contribution in the field of human rights. The third, Joe Morris, became a worker member of the Governing Body in 1966 and subsequently became vice-chairman of the Governing Body and chairman of the Workers Group, positions he still holds. Morris is the only Canadian unionist to have held these posts of power and responsibility.

Among Canadian employers who have actively contributed to ILO work are Harry Taylor, Union Carbide of Canada Limited; Allan Ross, Canadian Construction Association; Allan Campbell, Canadian Westinghouse Company; Tom Robinson, Canadian International Paper Company; and Keith Richan, Philips Electronics Industries, who is at present a deputy member of the ILO Governing Body.

Among government delegates to ILO meetings, it was Paul Goulet, as Director of the newly-established ILO Branch, who organized Canada's active participation in ILO work until his retirement in 1963. Three Canadians in the past quarter century have had the honour of being elected chairman of the Governing Body: Messrs. A.H. Brown and George Haythorne, former Deputy Ministers of Labour, in 1956 and 1964 respectively, and the present writer, in 1972.

Regional Meetings

One of the activities of the ILO is to conduct meetings at the regional level. Meetings of the American region are held every three or four years, and in 1966, Canada acted as host for a formal session of the American regional conference. Most of the countries from Latin America and the Caribbean, as well as the United States, sent tripartite delegations to this meeting. Useful discussions were held on employment policy and social security, and in fact the so-called "Ottawa plan" for employment development adopted by the conference was a forerunner of the World Employment Program undertaken by the ILO a few years later. During the conference, delegates made visits to both Toronto and Montreal, where the governments of Ontario and Québec offered hospitality. In Montreal the delegates paid a formal visit to McGill University in commemoration of the fact that during a very difficult period in ILO history, the Second World War and immediate postwar years, the International Labour Office moved from Geneva and established temporary headquarters at McGill.

The year 1969 marked the 50th anniversary of the founding of the ILO. Member countries participated in various forms of commemorative activity. In Canada, the most notable event was the convening of a national conference that, using the ILO tripartite concept, dealt with a number of industrial relations issues. Canada has perhaps lagged behind a number of western countries in the establishment of machinery for tripartite examination of economic and social issues, but the success of the national tripartite conference honouring the 50th anniversary of the ILO provided an impetus that is bearing fruit today.

Period of Growth

For the ILO, the past 25 years have been a period of growth. There may have been times when it appeared that the organization was expanding too fast for its own good; on the other hand, the resources the organization disposes of today are hardly over-ambitious in terms of the tremendous human need in the developing countries the ILO is trying to satisfy. Canadians, as supporters of international co-operation generally and the United Nations system, have continued over the period to support the ILO and its objectives.

The greatest threat to the ILO today parallels the threat to other agencies of the United Nations and is posed by elements prepared to ignore the basic aims and purposes of the organization in the pursuit of purely political concerns. Nothing has been more disruptive to the pursuit of ILO objectives in recent years than the attempt to make the ILO a forum for political issues that properly belong in the United Nations and have little or nothing to do with labour. The financial base of the organization could collapse if major contributors to the ILO budget become convinced that the emphasis on narrow political concerns is destroying the organization's capacity to do good.

Perhaps there is nothing very surprising in nations' pursuing their own self-interest as they see it. But international co-operation remains the hope for the future of mankind and must form part of the vision of each individual nation. The ILO stands for international co-operation to achieve social objectives, and with its unique tripartite structure the organization calls for the particular support of those concerned with labour and social issues. In the broad historical perspective, it must, of course, be recognized that the 56 years during which the ILO has been operating is a very short time indeed in human history, and that those who today seek to strengthen its effectiveness and promote its objectives are only laying the groundwork for the greater human effort that must come in the future.

No Need for Shame

Successive Canadian delegations have sought to preserve the integrity of the ILO as an organization devoted to the improvement of labour conditions. During the past 25 years, Canada need not be ashamed of the efforts made — by employer, labour and government representatives — to make the work of the ILO more effective, both internationally and at home.

When one looks to the future, it is interesting to consider which of the fields in which the ILO is now working is likely to command priority. There seems no doubt that the promotion of full employment and better income distribution in the developing countries will be for some time to come the most significant means of reducing human poverty in the developing countries. The ILO has a share of this problem and is already devoting its best talents and resources to the task of employment promotion.

For the industrialized countries, the task of setting standards for protective legislation has been largely accomplished, though new issues continue to arise (a recent example being the ILO standard on paid educational leave). One would hope to see an active policy for exchange of information and cross-fertilization of ideas among the industrialized countries. High priority will certainly go to occupational safety and health and in particular the formidable problems posed by substances found to be carcinogenous or otherwise dangerous to health. The whole area of the working environment will also attract increasing attention as countries strengthen their effort to improve the quality of working life. The ILO will continue to be a forum for the exchange of experience on industrial relations problems and it is now studying the social problems caused by the rise of multinational enterprises.

Concerned with Human Rights

In all countries the work of the ILO in promoting human rights will continue to be of transcendent importance. The ILO's concerns are with human rights in the labour field, including freedom of association, the right to bargain collectively, protection against discrimination in employment, and the promotion of equal opportunity. The Governing Body's procedure for handling complaints on violations of labour rights may grow in importance. Many hundreds of cases have been handled in the past quarter century, including four affecting Canada. Of great potential interest are the ILO's activities in promoting forms of organization for the rural workers who constitute so vast a segment of poverty in the southern hemisphere.

The most significant transformation in the ILO over the past quarter century is in the development of programs of direct aid to the countries in Asia, Latin America and Africa. In 1950, when standard-setting was its principal means of action, the ILO could adopt Conventions and Recommendations, but social progress depended entirely on action by member states to implement and ratify the ILO instruments. Today, in comparison, the mechanisms at the disposal of the ILO are more advanced. The challenge is recognized, and the means for dealing with it are better understood than before. What is needed then is first of all plain survival for the ILO in the face of grave political adversities, and beyond this improvements in the competence with which the organization and all its component parts — the Conference, the Governing Body, the Office — can carry on its work.

FEP Legislation

How Far Have We Come? How Far Yet to Go?

by Ray Traversy
Director, Fair Employment Practices

Canada has had legislation prohibiting discrimination in employment for some 28 years. How has the cause of human rights been served by such legislation, and what future programs are required?

Part I of the Canada Labour Code (Fair Employment Practices) dates from 1953 in its present form, except for the title, and is representative of the traditional form of such legislation in Canada. The Act is characterized by its defensive orientation, prohibiting specified practices (e.g., refusal to employ) on stated grounds (race, national origin, colour, religion). Enforcement depends upon the filing of complaints by individuals allegedly aggrieved by contraventions of the Act.

Recent years have seen important improvements in fair employment practices laws in the provinces and similar ordinances in the Territories: in most cases, additional prohibited grounds have been added, in some cases there are provisions for administratively initiated complaint investigations, and in several instances there are provisions for special programs to assist into employment members of groups protected by the legislation. The defensive, prohibitive posture of the various fair employment practices acts and ordinances remains a prominent characteristic, however, and Part I of the Canada Labour Code is representative of that basic legislative structure.

This type of legislation has demonstrated very limited potential for giving effect to Canada's declared concern for equal opportunity and treatment in employment or occupation, without discrimination based on factors that include, among others, race, colour and sex.[1]

Three Black Apprentices

A 1966 report of employers in a New Brunswick city showed that of 58 firms employing more than 100 employees, 34 had never employed black people. The 58 firms employed 18,960 persons, of whom 88 were black, about half the number that would be suggested on the basis of population. Of 264 firms employing from 10 to 100 employees, 228 had never employed Negroes in any capacity. There were three black apprentices out of a total of 480. Ninety-eight per cent of the black male workers were at the low end of the occupational hierarchy.[2]

Figures for 1970 in an Ontario community showed that of 2,930 employees in the major companies, 22 were black. This represented 0.75 per cent of the work force, about half of what it should have been to reflect the size of the black population. Of approximately 1,024 full-time employees of the three levels of government, only six were black. Apprentices in 24 trades numbered 280, none of whom was black.[3]

These and other available statistics depicting similar realities of the employment status of non-whites tend to be on a community rather than national basis. Fortunately, more broadly based figures are available on the differences in occupational earnings between men and women.

With all the recent stress on women's rights, one can expect the greatest gains toward equality in respect of sex-related disparities. Since the Royal Commission on the Status of Women, there has been a proliferation of special agencies and positions to promote the improved status of women in employment and in other respects: there are advisory councils on the status of women at the federal and provincial levels, co-ordinators for the status of women in Ottawa and some provinces, and special government offices to promote equal job and career opportunities for women. Private companies, including the large companies under federal jurisdiction, also have added their contributions to the national equal

[1] Ref. ILO Convention iii ratified by Canada.
[2] Report prepared by the New Brunswick Association for the Advancement of Coloured People.
[3] Report of the Human Rights Committee of the Community.

opportunities for women efforts. The total effort has attracted the participation of individual supervisors and managers, whose performance may be judged partly against a demonstrated commitment to fair play by having promoted or hired women. Supervisors and managers may now be found to confide to the personnel office that they want a woman for the job. How often does a manager or supervisor put in a word to facilitate the promotion or appointment of a non-white person?

Men Still Paid More

In spite of efforts to improve the employment status of women, figures for both 1969 and 1972[4] regarding average weekly salaries in all industries for the same 10 similarly described office occupations show men paid more than women in each occupation. By October 1972, the rate for women had caught up to or slightly exceeded the 1969 rate for men in only four of these occupations. During the period, the average wage rates for men in these occupations continued to rise at a higher rate than those for women.

Recently published figures for employees in industries under federal jurisdiction[5] in October 1971 show that 45.9 per cent of women earned less than $2.50 an hour, compared with 8.2 per cent of men; 89.2 per cent of women and 40.0 per cent of men earned less than $3.50 an hour.

A comparison of the figures for June 1970[6] with those of October 1971 shows that the percentage of men earning less than $4.00 an hour decreased during the period from 71.7 to 58.0 per cent but the comparable percentage of women fell only from 96.5 to 95.0 per cent.

With legislation prohibiting sex discrimination in employment in nine provinces, with the tenth province and eight others having equal pay legislation, and with federal equal pay legislation dating from 1956, these statistics point up the serious limitations of the traditional form of such legislation. Whether or not employees are protected by fair employment practices or equal pay legislation, the *achieved* employment status and pay levels of men continue to leave women farther behind, and non-whites lose ground to women as well as to white men.

What Has Been Achieved

The purpose of this article is to focus on the need for new legislative and program approaches, and not to write off the present approaches as entirely ineffective; here, then, is what has been achieved.

The case of Heydon, although dating from 1584, provides a useful rule in legislative interpretation, viz.: "What was the mischief and defect for which the common law did not provide," and "What remedy the Parliament hath resolved and appointed to cure the disease of the commonwealth." The rule is helpful in assessing the effectiveness of legislation such as Part I of the Canada Labour Code. A reading of Hansard and of the proceedings of the Standing Committee on Industrial Relations prior to the passage in 1953 of the (then) Fair Employment Practices Act indicates clearly that the "defect for which the common law did not provide" related to the most overt forms of discrimination. The debates and discussions contained references to "lynching" and to restrictions such as "Gentiles preferred" or "Protestants only". It is not surprising that the legislators in deciding upon a "remedy . . . appointed to cure the disease" viewed discrimination at a very elemental, blatant level and believed they were striking at the heart of the disease by prescribing as follows: "No employer shall refuse to employ or to continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment because of his race, national origin, colour or religion."

400 Latest Complaints

In April 1974 the Fair Employment Practices Branch reviewed its files on the latest 400 consecutive complaints in respect of which thorough investigations had been conducted pursuant to Part I of the Canada Labour Code. The review, conducted as a background for legislative and program recommendations, revealed that not one of those complaints had a factual basis in overt acts of discrimination in contravention of the Act. The review indicated strongly that the goal of the legislators had been substantially achieved, that the "disease" they had set out to destroy was finally overcome — that is, in the terms in which they had perceived it.

Compliance with the strict terms of the legislation has been facilitated by the characteristics of the jurisdiction. Federal jurisdiction, which includes interprovincial and international operations by sea, air, rail and highway, as well as telephone, telegraph and cable systems, radio and television broadcasting, the chartered banks, and a number of Crown corporations, covers some of the largest employers. These employers

4 *Women in the Labour Force*, Labour Canada, 1973.
5 Ibid.
6 *Women in the Labour Force*, Labour Canada, 1970.

tend to nurture public good will and to avoid needlessly incurring any suspicion that would be inconsistent with the image of the good corporate citizen. These companies have almost always been very co-operative with the Fair Employment Practices Branch in connection with the investigation and settlement of discrimination complaints.

It should be noted that the degree of legislative compliance under federal jurisdiction is no measure of that under provincial jurisdiction. The smaller employers under provincial jurisdiction do not have the legal advisors, the sophisticated personnel systems and the ranks of managers and supervisors between the complainant and the proprietor. The complainant and proprietor may well be in daily contact, and if the latter has deeply rooted prejudices the chances are greater that they will be reflected openly in behaviour.

No Overt Contravention

In interpreting the significance of the fact that 400 consecutive inquiries did not reveal an overt contravention of the Act, one must consider the enforcement procedure that begins with the filing of a complaint. It is clear from the Fair Employment Practices Branch's complaint experience that good employees and job applicants tend to roll with the punches as far as discrimination is concerned. Such employees do not lightly file complaints, but some may do so after the employment relationship has deteriorated over time to a point where it is most difficult for even an impartial third party to resolve the differences built up between employer and complainant.

The traditional, negatively oriented form of fair employment practices legislation has, therefore, served a useful purpose in combatting the relatively overt forms of employment discrimination, especially under federal jurisdiction. Further significant accomplishments toward equity, however, have been non-existent. There is every indication that the traditional form of legislation simply does not have the characteristics necessary to stimulate further progress toward a universal enjoyment of human rights in employment. The mere addition of other additional grounds upon which an employer may not discriminate would likely prompt only a repetition of history: a reduction in overt discrimination on such grounds, but no equality for members of the protected groups.

To achieve equal employment status for all will require new fair employment practices legislation and programs. The legislation should be positively oriented, making it a requirement that employers and unions actively extend equal access to jobs, union membership and career advancement to all job seekers and employees. New legislation should be supported by standards and guidelines governing positive programs employers and unions would have to adopt to ensure equal treatment. The standards and guidelines would prescribe and suggest those features of management and supervisory practice and personnel treatment in respect of access to employment and career advancement.

Access to Opportunities

The complaint experience of the Fair Employment Practices Branch indicates that the large gap remaining to be closed in human rights in employment is the gap in positive access to opportunities. The Branch's experience suggests also that much of the unfair treatment of minorities and women is due not to wilful discrimination, but to the routine application of systems and procedures built up over time. These systems and procedures have had incorporated into them past values and stereotypes held by society. There is no large-scale desire on the part of managers and personnel administrators to perpetuate discriminatory systems; but government has a responsibility to provide leadership in analysing and finding practical alternatives that meet reasonable business requirements in non-discriminatory ways.

There should be a lifting of the present onus on the individual to file a complaint. This tends to leave the better employee who is reluctant to take formal action against the employer without fair access to the assistance of a law that should be working for the employee, an access that should be readily available before irreparable damage has occurred to the employment relationship.

The complaint system of enforcement should be supplemented by an inspection system administered by the appropriate human rights agency. In addition to the inspections, which should be directed toward ascertaining compliance with the standards and guidelines, there should be a consultative service provided by the administering agency to assist employers in making common-sense applications of the standards and guidelines to their particular situations.

Positively Oriented Legislation

Under positively oriented legislation, the burden of proof in a case of alleged discrimination would shift to a more equitable position between employer and complainant. Under present legislation, the onus of proof weighs heavily on the

complainant, because the employer may attempt to justify an apparently discriminatory act by advancing as a reason some flaw in the complainant's job behaviour. It sometimes appears that an employee would have to be without any faults to counter such a defence. In the event of a discrimination complaint under legislation requiring positive efforts by an employer, either party could challenge the performance of the other in relation to more comparable and definable standards.

A final point concerns the purpose of equal opportunity. The assumption seems to be that by ensuring equal opportunity to all, one is doing everything that could be expected. It is often assumed that equal opportunity is the ultimate solution to discrimination. We should understand that equal opportunity and treatment in respect of employment and career pursuit does not, in itself, assure justice and equity.

Equal opportunity is a means, consistent with our sense of fair play, to achieve *equal employment status*, or equal condition. But if all the laws and guidelines that can be devised to ensure equal opportunity fail to change employment patterns, if reasonable proportions of black people, Indians, other minorities and women do not progress to higher employment echelons, society's search for equal status will not be ended.

Equal Opportunity Route

We should strive to attain equal status by the equal opportunity route, wherever possible. Nevertheless, it is already obvious that certain groups require special assistance, not just equal opportunity, to be equitably treated. For that reason some of the fair employment laws provide that the administering agency may approve special programs to assist members of groups protected by the legislation into training and employment.

Much more positive legislative and regulatory provisions and program approaches, however, are essential to bring about equal status in some cases. For example, at the federal level I think the Government should be using its contracts for construction, repair and demolition work and for the supply of goods and services as a direct means of promoting the training, employment and careers of interested Native people and members of other groups.

There are also programs that could be adopted in public or private employment to bring our society closer to equal employment status for minorities and women in ways that would not interfere with the career plans of members of the majority.

Equal opportunity that does not produce equal status should not be acceptable to our society. The Government says that Canada is a multicultural society. I believe that the concept of multiculturalism carries with it an implied commitment to equal status in such a vital area as employment.

The Women's Bureau Is 21

by Sharleen Bannon
Associate Editor. The Labour Gazette

Long before "women's lib" and "feminism" became well-known phrases and controversial issues, the Women's Bureau of the Canada Department of Labour was hard at work championing the cause of women in the work force.

For 21 years, the Bureau has been studying, commenting upon, and influencing many of the forces that directly affect the working women of Canada.

The Bureau was founded in 1954 in response to pressure from influential women's organizations, including the YWCA, National Council of Women, National Federation of Business and Professional Women, and the Canadian Federation of University Women.

From its inception, the Bureau worked closely with other federal departments and in collaboration with provincial agencies, trade unions, professional associations and educational institutions to help women achieve their rightful status in the work force.

The Bureau was founded on the premise that society can make full use of its human resources only when women exercise fully their rights and responsibilities in all areas.

The Bureau's first study, published in 1956, explored the status of married women in the work force. Since then, the Bureau has continued to produce research studies on many aspects of the status and problems of working women. Vocational training, wages, continuing education, day-care services, career opportunities, and older women in the work force were but a few of the subjects studied in the early years. Until recently, the Bureau has been one of the few permanent bodies in Canada specifically dedicated to researching the problems and conditions of working women.

Tradition of Research

The tradition of research and education as a major function of the Bureau was initiated by Marion Royce, its first director. Two decades ago, she brought to her new job a wealth of international experience gained while she was on the Geneva staff of the World YWCA.

Under Marion Royce, the Bureau in the early 1950's championed the right of women to receive equal pay for equal work and urged its passage into enforceable legislation at a time when the concept was considered very controversial. The Bureau also spent many years urging governments and employers to guarantee maternity leave and benefits, and undertook a national survey on the subject to help mount pressure to encourage its passage into legislation.

For her unstinting service to the public, Marion Royce, who was the Bureau's director for 13 years, received the Service Medal of the Order of Canada "for her services in the field of education and labour, particularly as they pertain to women."

The Bureau's current director, Sylva Gelber, spent her first working years abroad as a social worker, probation officer, and labour inspector. On her return to Canada, she worked for the Department of National Health and Welfare as a social economist and consultant in the field of health insurance before joining the Bureau in 1968.

Sylva Gelber brought to the Bureau a reputation as an innovator and administrator of unyielding determination. Under her direction, it has expanded its research activities and responded to the need for an increased public relations program in the wake of intensified interest in the status of women. Needless to say, the Bureau and its staff have enjoyed a great deal of favourable publicity.

Publications Widely Recognized

The Bureau's annual publication, *Women's Bureau*, has since 1969 been a much-sought-after source book of studies and commentaries on a wide variety of topics relating to women. *Women in the Labour Force—Facts and Figures*, which contains statistics on many aspects of women's participation in the labour force, and *The Law Relating to Working*

Sylva Gelber, O.C.

Women are widely recognized as major contributions to the field of women's studies.

The Bureau also receives requests for speakers and consultants from a variety of bodies interested in furthering the position of women. Most recently, the spotlight on the Bureau has become particularly intense with the United Nations designation of 1975 as International Women's Year.

Miss Gelber has continued to keep the Bureau active on the international as well as the domestic scene. She has represented Canada on a number of United Nations bodies, including the United Nations Commission on the Status of Women, and has been associated in several capacities with the work of the International Labour Organization. She was also a vocal delegate at the recent International Women's Conference in Mexico and acted as chairman of a Working Party set up by the Organization for Economic Co-operation and Development. She has recently been nominated as an Officer in the Order of Canada.

Interview with the Director

Asked what remains the greatest single obstacle to women's achieving equality in Canadian society, Sylva Gelber replied, "hundreds of years of tradition—a tradition that has viewed women as having a designated role in a society that has undergone such radical change that the role is no longer appropriate.

"Contemporary society has undergone a social and cultural upheaval. The changes brought about by technology and medical science have affected both men and women, but the effect on women has been to alter completely her traditional role in the home and in society.

"Canadian women no longer need to bear children when they are unwanted nor at times when they are unplanned. Family size can almost be said to reflect zero population growth—two children per family. The overwhelming burden of the large family has been removed, and the endless chores associated with it have disappeared. Thanks to technological change, the maintenance of the home has also ceased to be a burden, as it is automated.

"Even assuming that the woman alone maintains the role of homemaker, she no longer needs to restrict herself to domestic matters as her full-time occupation. These two factors—technology and medical science—for the first time in the history of humanity have given women the opportunity to chose alternative roles for themselves."

She readily admits, however, that "you cannot change, in a very short time, traditions built up over hundreds of years." Nevertheless, she believes that the greatest change in the status of women has occurred during the past six years, although she says, "it is not a change that can be noted statistically. Although many women now have entered the labour force, there are hardly more women in responsible positions than there were six or seven years ago.

"This sounds like a depressing fact, but the situation isn't as bad as it seems. We're on the road to change. There has developed an authentic sensitivity in this country to the problems of women—more than in most other countries, including the United States."

She believes a positive social attitude toward women is a vital prerequisite to ensure that women achieve their rightful place in society.

"Until you have a public that is sensitive and aware, you won't see a significant change. Although we haven't won any great change in the position of working women, we are achieving a great change in the environment in which women work—a significant step forward.

"Women must prepare themselves for equality. They must go into such fields as business administration and engineering.

Only women themselves can make the effort in this regard, although it may take many, many years for them to attain equality in every stratum of society. Women must continue to move forward, to maintain pressure, obtain the requisite education, and change will come."

The striving to gain acceptance for women as equals—in Canadian society in general, and in the workplace in particular—has been the major preoccupation of Miss Gelber as Director of the Women's Bureau. She said that at the time she took over the Bureau in 1968 there had grown a need for a "dynamic program" in the wake of the Report of the Royal Commission on the Status of Women.

"Largely due to this development, the Bureau benefited from a larger budget than was given to my predecessors. This allowed me to do things in a broader way and gave me the opportunity to use initiative."

Her dynamism and initiative have been rewarded. Miss Gelber says her greatest satisfaction in working with the Bureau has been the public recognition it has received. She is quick to attribute much of the public acceptance to the favourable publicity provided by media coverage in newspapers and magazines and on radio and television.

In addition, she says, "People in industry and the academic world who were not very interested in the problems of women a few years ago are listening to the things we are saying. They don't always agree with us, but they allow us to put forward our case."

She is similarly gratified by the international recognition the Bureau and its publications have received. "In the past seven years, we have published a number of documents of high professional calibre and these publications are known internationally."

On the subject of what lies ahead, Miss Gelber says she believes that the Bureau or a parallel structure should be maintained in some form only until the situation of women in Canadian society is, as she puts it, "normalized".

"As long as the situation is not normal, we need some structure to ensure and to fight for the rights of Canadian women. When women work as people instead of as women, the Bureau will no longer be needed to protect their rights.

"As I told the Deputy Minister when I began, 'I will judge my success in the Women's Bureau by the speed with which it will be possible for it to become obsolete.' "

From 'Why Not?' To 'When?'

By Shirley Plowman,
Public Relations Branch

It was February 17. The radio announcer's voice said: "The Labour Women's Social and Economic conference meeting held today in Winnipeg has passed resolutions condemning the immigration policy of Canada, urging the adoption of a scheme of adequate old age pensions, and *instructing the executive to appoint a committee to give particular attention to the enforcement of laws governing working conditions of women and girls.*"

The snow that fell outside the radio station fell on streets full of rosy-cheeked girls with bobbed hair and bright lipstick, men in tweed caps and gaiters, and smart looking matrons with cloches of crushed velvet. The snow was falling on the Canada of February 1925.

Although it seems that the more things change, the more they are the same, as the cigarette ad trumpets: "You've come a long way, Baby." In the last decade, you have managed to move along faster than in all the decades before. You have entered predominantly male fields, and as Houston would say: "You're looking pretty good." You have taken off and there's no turning back now. Your ranks include surgeons, psychiatrists, lawyers and sky divers, carpenters, plumbers, engineers and architects, but you still have a little way to go.

There are some 562 million women workers in the world, out of a total population of 1,637 million workers. Traditions, prejudices, as well as their own self-images and attitudes, have blocked and hampered many on their climb to equality.

It has been eight years since the Government of Canada established the Royal Commission on the Status of Women. Since that time, the plight of women in general has been an increasing concern of government, labour, management, opinion makers and heads of state.

ILO Convention

When the International Labour Organization drew up its Equal Remuneration Convention (No. 100) in 1951 urging equal pay for work of equal value, few of the world's people were ready for it, and it was relatively easy to rationalize that some workers were more equal than others. This Convention has subsequently been ratified by 82 countries, including Canada, and there have been marked changes in the work climate over the past 24 years.

In Canada, these changes have seen qualified women nominated to the Senate, appointed as judges and other senior officials, and offered positions on boards and commissions previously inaccessible to them. Since October 1972, some 73 women have been appointed or reappointed to various positions of power on boards and agencies. There have been two women judges of the Superior Court, four Citizenship Court judges, four full-time Commissioners of the Immigration Appeal Board, a Chairman of the Food Prices Review Board, and a Deputy Minister of Consumer Affairs.

When Labour Minister John Munro (who at the time was the Minister responsible for the Status of Women) on December 17, 1974 tabled his progress report on the Status of Women, it was evident that the winds of change were pushing a few more pink balloons into an otherwise blue-ballooned sky.

Co-ordinator, Status of Women

At that time, the Minister told the House that a network of positions had been set up to advise the Government on matters of justice for women in general. The nucleus of the network was the Office of the Co-ordinator, Status of Women, located in the Privy Council Office, Social Policy Secretariat. The Co-ordinator advises the Minister on the progress made, and monitors all government activities to ensure they are in accordance with the Government's stated policy of equal treatment for women.

The Government made plans also with the provinces to review all federal and provincial social security schemes, with an eye to more equitable treatment of men and women.

In its *Canadian Fact Book on Poverty*, the Canadian Council on Social Development stated that a male family head had 9.3 chances out of 100 of being poor; a female head had 40.1 chances.

To assist working mothers, a National Day Care Information Centre was established within the Canada Assistance Plan Directorate, and support for day care services provided by the Canada Assistance Plan. Funds were allocated also to national women's organizations to assist them with their various programs.

A major step forward on the road to equality within the Public Service came in 1971 when the Public Service Commission established an Office of Equal Opportunity for Women.

Programs and policies within the Government are now geared to improvement of working conditions, and certain individuals in personnel divisions throughout the various departments are responsible for overseeing equal opportunity for women workers.

Cabinet Directive

A Cabinet directive to deputy heads of government departments in April 1972 urged that qualified women be assigned to positions in the higher echelons. The Office of Equal Opportunities for Women then created an interdepartmental committee jointly chaired by senior officials from the Public Service Commission and the Treasury Board to be responsible for co-ordinating action and measuring progress.

Guidelines developed by the equal opportunities office were sent to all departments to help them set up programs, and now more than 35 departments and agencies are represented on equal opportunity co-ordinating committees. The Privy Council has six permanent employees attached to the office of the Co-ordinator for the Status of Women.

At Labour Canada, recently, the Minister appointed an Equal Opportunities Co-ordinator, and urged women in the Department to seek out her services.

The Government asked the Public Service Commission late in 1972 to investigate complaints of alleged discrimination because of sex, race, national origin, colour or religion, and the Commission has set up an Anti-Discrimination Branch for its investigation.

Even within the public service, which is more attuned to the voice of women than industry or the country at large, only one out of 10,000 women workers has a hope of reaching the top echelons in comparison with 50 out of 10,000 men.

"Get in and Fight"

"But," says Rudy Winston, a lecturer from the Harvard School of Business, to women delegates at a McGill University industrial relations conference, "all the moaning and groaning in the world won't get you what you want. If you want equal opportunity for working women, you have to get in there and fight for it. This is a power struggle, and those that have it ain't going to give it up without a fight.

"And you won't get it until the level of tension on your male employer is unbearable. From what I've seen of Canadian women, they have not reached the point where they are exerting enough pressure to bring about equal opportunity for women at work."

With or without women's participation, female public servants are being helped in their struggle for equality by amendments to the Public Service Superannuation Act and related Acts. The Treasury Board in 1974 began a review of all regulations and directives to remove inequities based on sex.

A bill on human rights in Canada was introduced in the House on July 21, 1975 by Justice Minister Otto Lang. It would prohibit within federal jurisdiction discrimination in all matters on the grounds of race, national or ethnic origin, colour, marital status, religion, sex or age. The bill also provides for the establishment of a Canadian Human Rights Commission as a vehicle for investigating and

preventing discriminatory practices in areas under federal jurisdiction.

Promise of Real Progress

Although the process of legislation seems to creep along at a snail's pace, a glance at the 1973 edition of a Labour Canada Women's Bureau publication, *The Law Relating to Working Women,* hints at the promise of real progress.

Since 1972, there have been a number of notable changes in provincial law. British Columbia and Alberta have both enacted new and broader legislation in the field of human rights, and both have established human rights commissions. New Brunswick has amended its human rights legislation. And as of July 1975, every provincial human rights statute, with the exception of Prince Edward Island's, contains provision for the establishment of a human rights commission.

British Columbia, Saskatchewan and Nova Scotia have amended equal pay legislation, and the Yukon Territory has enacted such legislation. Maternity leave legislation has been enacted in Saskatchewan, and under federal jurisdiction, Part II of the Canada Labour Code now includes provisions for maternity leave of up to 17 weeks.

But after every conceivable reform has been made in legislation and new laws introduced to close any loopholes, the onus will still be on women themselves to prove their worth.

The Canadian Worker in a Changing Economy*

By Allan A. Porter
Economics and Research Branch

Against a background of profound social and economic change throughout the first three quarters of this century, the working people of Canada have enjoyed a truly remarkable improvement in the rewards from their labour and in the conditions of their work. Some of the more outstanding changes have been: the change from a rural to an industrial economy, urbanization of the labour force, changes in the birth rate and immigration, growth in the employment of women, the growing need for more training and education, higher real earnings for fewer hours of work, and the provision for income maintenance.

From a rural to an industrial economy

Agriculture will always be an important element of the Canadian economy, but its relative importance has changed dramatically. When the Department of Labour was founded in 1900, approximately 40 per cent of the labour force was engaged in agriculture, compared with only about 6 per cent today.

*The principal sources of information for this article are: M.C. Urquhart and K.A.H. Buckley (editors), *Historical Statistics of Canada*, Macmillan, 1965; Statistics Canada, *Perspective Canada, A Compendium of Social Statistics*, 1974; various reports of Statistics Canada have provided current data.

The chart shows how the composition and size of the labour force have changed, with the primary sector (agriculture, mining, forestry, fishing and trapping) declining from 44 per cent in 1901 to 8 per cent in 1972, the secondary sector (manufacturing and construction), not changing very much, constituting about 28 per cent in both 1901 and 1972, and the tertiary sector (transportation and communication, public utilities, wholesale and retail trade, financial institutions, government, etc.) increasing steadily over the years, from 28 per cent in 1901 to 63 per cent in 1972.

It may come as a surprise that manufacturing employed relatively as many workers 75 years ago as it does today. The reason is that while labour productivity in this industry has increased many times over, output has grown substantially more. Between 1911 and 1920 the value of agricultural output increased about 84 per cent while the value of manufacturing output increased threefold; between 1926 and 1973 the value of manufacturing output increased 23 times compared with a fivefold increase for agriculture.* In short, the enormously greater variety of manufactured goods available to us today are produced by no greater numbers of workers, relative to the total labour force, than in 1900.

The remarkable increase in tertiary sector employment could be analysed at some length, but the increase in service industries and occupations is the only, and probably the most important aspect dealt with here. For example, employment in personal and professional services accounted for 13 per cent of the labour force in 1901 and 17 per cent by 1951. On a broader basis, the proportion of service industry employment rose from 18 to 33 per cent between 1951 and 1971.

What has happened is that one industry —agriculture —has benefited from a very high increase in labour productivity, so that the same or even greater output has been possible with a much smaller labour force. This was also the case with manufacturing, as noted above. On the other hand, the variety of services to individuals and to industry has

*Comparisons over a period of 75 years require using whatever data are available. Some information was on hand for 1911 to 1920 expressed in terms of gross income produced, but the most recent series, on gross domestic product at factor cost, goes back only to 1926. There are, of course, conceptual differences between the two series which would affect the reliability of very precise comparisons but are not a serious problem for purposes of general analysis. Throughout this article it would be desirable to use the same time-periods but this is often not possible because different data series do not always cover the same time-periods.

grown at a seemingly exponential rate. Indications are that productivity has not been increasing very much in this area, hence the need for a steadily expanding labour force.

Urbanization of the labour force

With our wide, open spaces and great variety of regions, there will always be some Canadians living and working in small, often remote communities. But while there are still small towns, often not too far removed from big cities, the trend is inexorably toward the large city, the metropolitan conglomerate of city core, suburbs and satellite communities.

In 1901, only 35 per cent of the population was considered urban, that is, living in communities of at least 1,000 persons; this grew to 62 per cent in 1951 and 76 per cent in 1971. Also in 1901, there were only two cities in Canada having a population of at least 100,000 and they accounted for 9 per cent of our population; by 1971 there were 19 such cities accounting for 27 per cent of the population.

This "throwing together" of steadily increasing numbers of people in ever-growing cities, engaged in an ever-greater variety of occupations in an increasingly complex economy, must surely be one of the fundamental reasons for the kind of industrial unrest in our country today. But it also partly explains the greater sophistication of industrial relations and the better wages and working conditions enjoyed by most working people.

Births and Immigration . . . sources of growth

So far in this twentieth century, the birth rate has never been so low as it has been in the past five years. In 1974 the birth rate was 15.4 (number of live births per thousand of population) and for the years 1970 to 1974, it averaged 16.2. This compares with a rate of about 30 in 1901 and 28.9 in 1947. The recent drop, after the "baby boom" of the postwar years, is shown by these average annual birth rates for five-year periods: 1955-59 — 27.9; 1960-64 — 25.3; 1965-69 — 18.8.

Part of this decline has been due to the increase in the proportion of the population past the child-bearing age; but most of it must be attributed to the decision of people to have no children or fewer than their parents had.

The ageing of the labour force will have a very important effect on our economy, our labour force, the nature of industrial relations and of society generally. This table shows how the age composition of the population has changed:

Population Distribution (in percentages) By Age Group

Ages	1901	1921	1951	1971
Childhood (0-8)	21.3	21.7	20.4	16.7
Youth (9-17)	19.4	18.3	14.4	19.0
Adulthood (18-64)	54.3	55.2	57.4	56.2
Old Age (65+)	5.0	4.8	7.8	8.1

Source: Statistics Canada, *Perspective Canada*, Table 1.1

The most notable changes have been in the youngest and oldest age groups. Unless the birth rate increases significantly and remains high over several years, the proportion of youths, who constitute new entrants into the labour force, will fall off substantially in coming years. All of this depends on what happens to net migration (the difference between immigration into the country and emigration out of it).

In the early years of this century, immigration was substantial; but so was emigration. In the first decade, immigration totalled about 1,500,000; but, after allowing for emigration, net immigration was probably 250,000 or about 4 per cent of the population average of 6,000,000 for the decade.

Immigration occurs in waves. In the 1920's almost 1,250,000 people entered the country, but in the depression years of the 1930's, little more than 150,000 came in. Since World War II, immigration has been on a large scale, totalling about 1,600,000 in the 1950's and 1,400,000 in the 1960's. Net immigration, however, was 229,000 in the 1920's, or about 2 per cent of the population. This rose in the 1950's to 1,081,000 or almost 7 per cent of the population; and in the 1960's it was 730,000, or about 3 1/2 per cent of the population.

If the current decline in the rate of net immigration continues, along with the very low birth rates, Canada may be heading toward a geriatric society.

The employment of women

In addition to the entry of young people and immigrants into the labour force, women have been a most important source of labour force growth. The female participation rate (the proportion of the female population 14 years and over who are in the labour force) was 16 per cent in 1901. By 1951 the rate was 24 per cent, and in 1974 it was 39.7 per cent. Although earlier data are not available, it is known that married women constituted 48 per cent of the female labour force in 1962 and 57 per cent in 1972. It is probably safe to assume that very few married women (whose

husbands were still living and working) worked in the years before World War II. Part of this increase is apparently because of a relative growth in the number of women working part-time: the proportion of women in the female labour force regularly working fewer than 35 hours a week rose from 19 per cent in 1962 to 25 per cent in 1972.

It is also well known that occupations formerly considered a male reserve are now in many instances being filled by women. Although the number of such cases is not great enough to indicate a trend, it seems clear that such a trend will develop. Lacking this great source of potential and actual skills, the labour market would be unable to meet many of the needs for labour.

More skills call for more education.
The growth in managerial, professional and technical jobs has produced a need for substantially more professionally and technically trained people having a university degree, or at least graduation from secondary school and some post-secondary training at a technical college or similar institution.

The proportion of the male labour force engaged in managerial, professional and technical jobs has grown from 15 per cent in 1951 to 25 per cent in 1971, and for the female labour force it has grown from 14 per cent to 21 per cent. In the latter year, 14 per cent of the total labour force was employed in professional and technical occupations, compared with less than 5 per cent in 1901.

The percentage of the elementary and secondary school-age population attending school increased over the years. In 1911, 53 per cent of the population aged 5 to 19 years was in school, rising to 69 per cent by 1951. Also in 1951, 51 per cent of the male population and 41 per cent of the female population attended school, and these percentages rose to 71 and 66 in 1971.

In recent years there has also been a trend toward a longer period of school attendance. In 1960, 3 per cent of the population age 14 and over had completed at least a first university degree, compared with 5 per cent in 1969. The proportion with some university education (but not completed) rose from 4 to 7 per cent, while those who completed secondary school increased from 14 to 19 per cent. Furthermore, the proportion of the population age 21 and over with a bachelor's degree increased from 8 per cent in 1961 to about 20 per cent in 1972; with a master's degree, from 1 to almost 3 per cent.

People are obtaining more formal education as well as other kinds of training. Although this is essential to meet the demand for educated and trained people, it also means that with more years spent in school, entry into the labour force is delayed, cutting down on the immediately available supply of well-trained people.

Higher real earnings for fewer hours of work
By any measure, there has been a truly remarkable improvement in what workers obtain today for their labour compared with what they received 75 years ago. And although this improvement has been slowed down or even reversed from time to time, because of price inflation and/or unemployment, the improvement has been a steady one. It has been not only in real earnings (wages and salaries) but also in non-wage benefits of employment (fringe benefits), supplemented by benefits provided through state-financed programs. These improvements in the rewards from labour have been accompanied by a steady reduction in the required amount of labour time.

In 1972, wage rates, as measured by the Canada Department of Labour index of rates for a selection of representative jobs, were about 13 1/2 times their 1913 level. By 1972, consumer prices are estimated to have been about 3.6 times their 1913 level. Therefore, real wage rates were some 3 3/4 times higher in 1972 than they were 60 years earlier. Another, perhaps better measure of this change (because the wage rate index does not reflect actual earnings but only changes in hourly rates) is the increase in average annual earnings for production workers in manufacturing. In 1974 these earnings were 21 times what they were in 1910. Over approximately the same period, consumer prices increased more than four times, so that real annual earnings in 1974 were almost five times what they were almost 65 years earlier.

Any attempt to measure changes in real earnings (that is, what money earnings can actually purchase in goods and services), is fraught with difficulties, especially when such a long time-period is covered. Not only is little statistical information available for the early decades of this century, but what there is was produced by much less sophisticated methods than current measures are. Furthermore, changes in living standards have been so profound and subtle that any statistical measure, no matter how refined, will prove somewhat inadequate. Nevertheless, the above analysis suggests that working people today are receiving something like four to five times as much for their labour, in terms of the things the economy provides, as they did at the turn of the century.

More recently, in the past quarter of this century, from 1950 to 1974, average weekly

wages and salaries for employees of almost all industries except agriculture, fishing, trapping, public administration and national defence increased from $45 to $178, a rise of almost 300 per cent. Over the same period, consumer prices rose by 110 per cent. These measures indicate that real weekly earnings of most Canadian workers (wage earners and salaried employees) rose by almost 90 per cent. Average hourly earnings of production workers in manufacturing doubled in real terms over the same years.

In addition to the direct wage and salary payments they receive, workers are compensated as well in the form of various supplements or fringe benefits. These must also be taken into account when considering the standard of living made possible by the reward for one's labour. Furthermore, many benefits are now provided by government programs, financed out of tax revenues, often supplemented by employer and employee contributions.

The increasing productiveness of our economy and of the labour force has made possible the steady improvement in real earnings. One important kind of benefit flowing from the enhanced productivity of the economy, however, is not in the form of more goods and services but in more time away from work. To put it simply, if labour productivity increases 50 per cent, workers can be rewarded with wages increased sufficiently to afford them 50 per cent more goods and services. An alternative would be to allow production to increase only 25 per cent, permitting workers to put in fewer hours, and reducing working time to the extent made possible by the remaining 25 per cent improvement in productivity. Something like this has in fact happened.

Only fragmentary information is available on hours worked at the beginning of this century, but there is sufficient data to confirm what we believe to be true; that is, hours were long and, it may be surmised, arduous. In 1905 building construction labourers had a standard work week of 60 hours in Winnipeg and Montreal, 54 hours in Halifax, but only 44 hours in Toronto and Vancouver. Carpenters, electricians and plumbers worked somewhat fewer hours than the labourers in some, but not all cases, but they all had a 44-hour week in Toronto and Vancouver. No other data are available for the early 1900's but information has been published on hours worked in some occupations in Ontario in 1889. They ranged from as many as 66 a week for butchers to a "low" of 56-57 for printers and carpenters.

It was reported in the first issue of *The Labour Gazette* in 1900 that the Journeymen Horseshoers' International Union, after a strike, settled for a 55-hour week.

The Dominion Bureau of Statistics, now Statistics Canada, reported an average of almost 49 hours a week in manufacturing in 1932. Immediately after World War II, the 44-hour week seemed to be the general practice, which often meant a 5 1/2-day week, with employees working Saturday morning. The trend toward the 40-hour, 5-day week soon set in, however, and by the end of the 1950's became the general practice.

Paid vacations

The reduction in working time was not limited to the length of the work week. Before the last war, paid vacations were a privilege granted only to a favoured few and time off for holidays like Christmas or Labour Day probably meant the loss of a day's pay. Where they were granted without loss of pay, it was usually to the office workers. Indeed, one of the most significant developments in industrial relations in the past 25 years has been the steady removal of differences in the treatment of and benefits provided to blue-collar and white-collar workers.

A 1974 study of trends in working time* estimated that non-office manufacturing employees average 2.22 weeks of paid vacation in 1947, but by 1972 this was up to 3.25 weeks, principally as a result of workers' earning more vacation time after fewer years of employment with the company. Similarly, paid holidays averaged 4.18 in 1947 and 9.11 in 1972. Altogether, the net working week for non-office workers in manufacturing declined from about 43 hours in 1947 to 36 1/2 hours in 1972; this allows for reduced standard weekly hours and the equivalent in hours per week of increased holiday and vacation time. If more time away from work at no loss in pay is thought of as a form of increased real income, this trend constitutes an improvement of more than 15 per cent between 1947 and 1972 and should be added to the increased real income made possible as a result of higher money earnings.

Security against contingencies

Today most workers receive some protection against loss of income for various reasons, and provision for income after retirement or for dependants if the worker dies. Much of this is now provided by government plans. One plan, workmen's compensation, goes back to World War I. This provides medical and hospital care to workers injured on the job and provision of income during their absence from work; it also provides a pension for dependants if the worker is killed.

In many cases, workers have obtained protection under plans provided by their employers, often as a result of collective bargaining, and such plans have later been superseded or supplemented by a government program covering most people. Although pre-war legislation did provide for a limited old age pension, subject to a means test, many companies provided pension plans to their employees with retirement income usually based on a formula related to earnings and years of service. Such plans became increasingly widespread after World War II, and a frequent subject of collective bargaining was the liberalization of the provisions of such plans. The Old Age Security Act of 1951 and the Canada and Québec Pension Plans, provided for by legislation in 1965, replaced some private plans, but more often the plan provided by the employer was integrated with the universal plan or supplemented it.

Similarly, hospital and medical insurance plans were often provided by firms for their employees until hospital and medical care plans, administered by government, were extended to almost everyone. Although this meant many private plans were replaced by the state plan, in many cases the employer now provides a supplementary plan, such as major medical insurance covering expenses and services not covered by the general plan, or a continuation of coverage in the case of prolonged disabilities not provided for under the general plan.

Provision for income maintenance

The Unemployment Insurance Act came into force in 1940, but employers now often provide, as a result of collective bargaining, a plan, often called supplementary unemployment benefits (SUB), supplementing the government scheme. Employees who are laid off receive benefits in addition to those provided by Unemployment Insurance, bringing their income during unemployment closer to what they receive when working.

Many other arrangements could be mentioned, such as group life insurance, and leave with pay arrangements or sickness indemnity plans that provide continued income during absence because of illness or injury.

The purpose of all these plans, be they administered by the employer or the state, is to provide the worker with income when he is not working, or provide services, usually medical or hospital, that would otherwise be very expensive for the individual to pay. Before World War II, few workers enjoyed any of these kinds of protection: a very small pension if any, no hospital care or medical plan, no income provided during unemployment, and no sick pay.

What next?

In view of what has gone before, what can be expected to follow?

One trend already alluded to is the almost inevitable ageing of the labour force. This certainly means that more attention will be given to retirement plans. On the other hand, it might mean also that with fewer people entering the labour force, because of the low birth rate, employers may want to keep their employees longer and may oppose any move to lower further the retirement age.

Another certain trend is a continued increase in the employment of women and in the number entering professional, technical and managerial jobs now almost exclusively occupied by males. As more women with small children express their desire to work rather than stay at home, increased pressure will be directed at employers and governments to provide day-care facilities. One aspect of this that is sure to cause friction is whether and to what extent such women should pay the cost of the day-care services.

To be more speculative, there is the possibility that workers will be given some choices as to the kind of paid time off from work they prefer. They may be given the chance to take an extended leave at a particular time instead of more vacation time per year. Entitlement to time off with pay, usually earned in relation to years of service with a particular employer, may become transferable from one employer to another in the manner of portable pension credits.

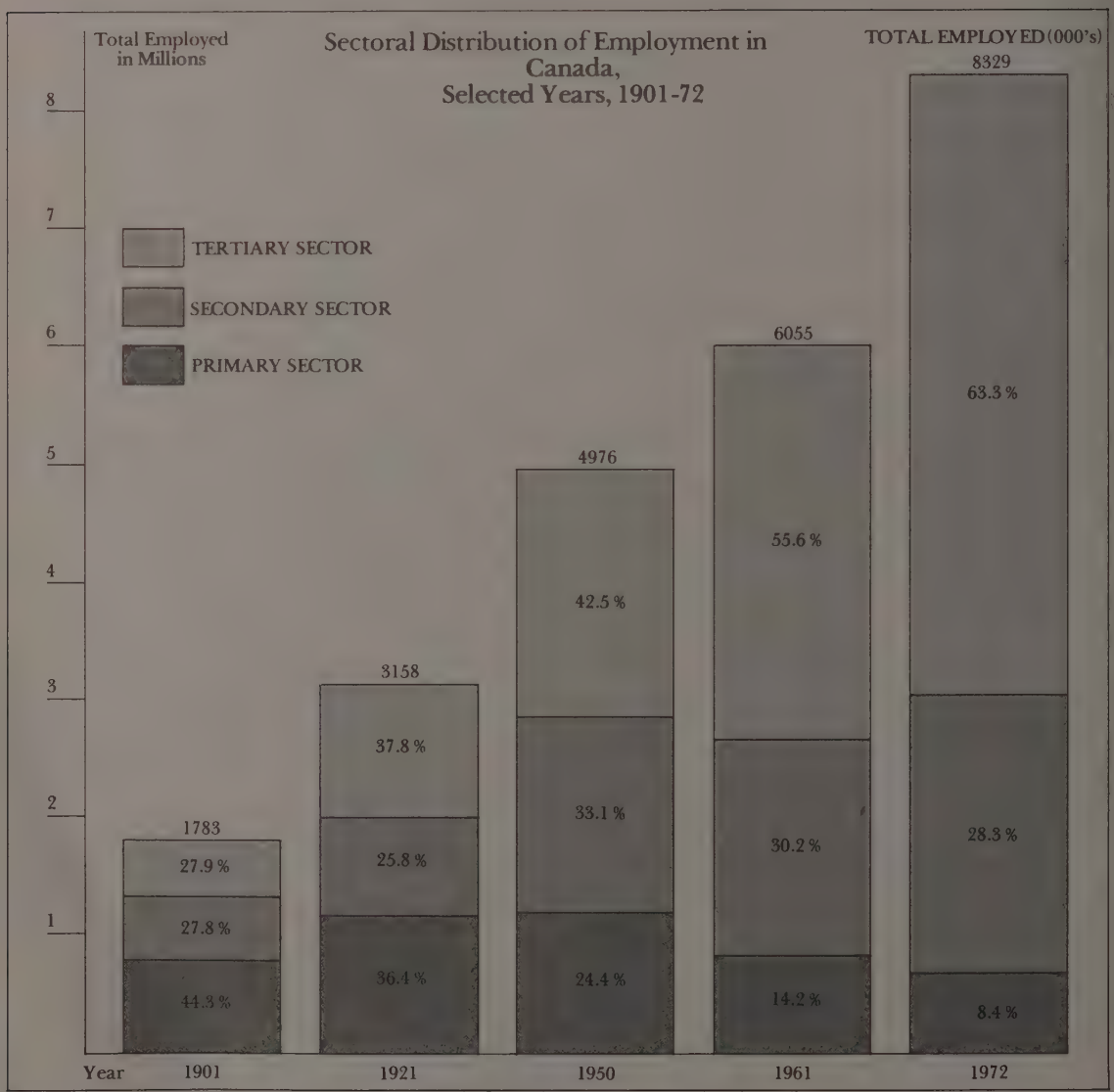
"Fringe benefit cafeteria"

On the matter of employee choice, there will be more consideration of a "fringe benefit cafeteria;" that is, where workers have a choice of certain types of benefits. One worker may choose participation in a profit-sharing pension plan (supplementing the regular one), whereas other workers may opt for more paid time off, or for legal aid insurance, or denticare, etc. It is unlikely that there will be complete freedom of choice and such an arrangement may indeed prove to be unworkable, but it is a possibility.

Areas of interest that are only recently being examined will assume more importance in the future. The quality of working life will get much more attention, in terms of more acceptable working systems and a more satisfying and healthy working environment. Occupational accidents, diseases and other hazards, physical and psychological,

will have to be given much more attention. The relationship between the worker's situation on the job and on his own time will require more examination and study, so that the work function and the other aspects of a person's life become integrated parts of a socially acceptable way of life.

If the conditions of work and the rewards of labour change as much in the next 25 years, let alone the next 75 years, as they have in the past, it would be a challenge to anyone's imagination to predict what will happen.



Source: Canada Year Book 1962, 1967, 1973

The Growth of the Canadian Labour Movement

by Dr. J.K. Eaton,
Economics and Research Branch

Trade union locals were in existence in Canada in the early part of the 19th century, and the first Canadian labour centre — the Canadian Labour Union (CLU) — was founded in 1873. The CLU lasted only four years, but its successor, the Trades and Labour Congress of Canada (TLC), which was founded in 1883, had a continuous existence until 1956. By 1900, the movement was nation-wide; locals existed in all provinces, and the main urban centres had a nucleus of locals, in some cases affiliated to a local trades and labour council. It was also a united movement in that only one national centre, the TLC, existed; although there were unions outside the TLC there was nothing in the constitution of that body which would have excluded their future affiliation.

Official union statistics do not exist prior to 1900, when the Department of Labour was established. The first union membership figures were not published until 1911, but prior to that, the Department reported on the number of locals formed, and these give some indication of union growth prior to 1911. The accompanying chart shows that the trend of unionism, whether measured in terms of number of locals or of membership, has been continuously upward except for the inter-war period. From 1900 to 1920 the movement grew steadily, with only a slight interruption in the early war years; stagnation occurred during the inter-war period; and from 1940, growth has been fairly continuous.

The movement had a chequered existence for the first part of the century, beset by internal divisions and external factors such as depression and unemployment. The first internal division occurred in 1902, when the TLC amended its constitution in such a way as to exclude unions in competition with the international unions. This led to the formation of the National Trades and Labour Congress, which in 1909 became the Canadian Federation of Labour, and sought to represent those unions, mainly national, exlcuded from the TLC.

Also Divisive Factor

The establishment of revolutionary union centres was also a divisive factor. The Industrial Workers of the World, or "Wobblies," had its main influence in western United States and Canada in the period prior to World War I. Although it continued to exist after lifting of a 1918 ban on its activities, its influence after the war was minimal. Its place in Canada was taken by the One Big Union, an indigenous organization, formed in 1919 mainly under the impetus of the Winnipeg General Strike. The OBU's main influence was also in the West, and at its peak in 1919, it claimed a membership of 40,000. Its membership dropped, however, and its sphere of activity became limited to Winnipeg; in 1956, it joined the Canadian Labour Congress.

Another division in labour's ranks was the foundation in 1922 of the Canadian and Catholic Confederation of Labour. The seeds of this movement were sown in 1900 when Archbishop Bégin acted as arbitrator in a lockout of boot and shoe workers in Québec City. The willingness of the employers and workers to accept his judgment, based on the Papal encyclical *Rerum Novarum*, indicated that the province was fertile ground for Catholic unionism. The first specifically Catholic union was formed in 1907 among pulp makers in northern Québec. This foundered, but was re-formed in 1912, and with assistance from the Catholic clergy, the movement spread throughout the province. Attempts were made in 1918 at Québec City and in 1919 at Trois-Rivières to establish a province-wide federation, but it was not until 1922 that this was achieved in a founding convention in

Hull. The CCCL continued in existence until 1960, when it underwent a change of name and ideology, discussed later.

Largest Union Expelled

Expulsions from the TLC benefited the Canadian Federation of Labour and its successors. The largest Canadian union, the Canadian Brotherhood of Railway Employees (CBRE), which was founded in 1908, was expelled from the TLC in 1921 because it was a dual union to the Brotherhood of Railway Clerks. In 1939 seven unions were expelled, on instructions from the American Federation of Labour, because of their connection with the Congress of Industrial Organizations, an organization of industrial unions that had broken away from the AFL. In 1927, the CBRE combined with the CFL, the OBU and several other national unions to found the All-Canadian Congress of Labour (ACCL). This body suffered from divisions in the thirties but in 1940 merged with the expelled CIO unions to form the Canadian Congress of Labour (CCL).

Consequently, at the outbreak of World War II, the Canadian labour movement was divided among three main centres: the TLC, the CCL and CCCL; and several important unions, among them the railway running trades brotherhoods, outside of these centres. The forties and early fifties, however, saw the growth of a united and more effective movement.

The period from the outbreak of war to the mid-fifties was one of growth and consolidation; membership between 1939 and 1956, when the Canadian Labour Congress was formed, increased fourfold, from 359,000 to 1,386,000. Growth was steady. During the Second World War, as in the First, the membership increased considerably; but, contrary to the previous experience, there was no falling-off in membership in the postwar period. This can be partly accounted for by the fact that there was no postwar depression as in the 1920's and unemployment did not deplete the ranks of potential recruits. At the same time, the union movement was better organized and better able to take advantage of the favourable labour market situation. While the civilian labour force showed an increase, the percentage of the civilian labour force organized into unions showed an increase also, so that in 1956 the movement represented almost a quarter of the civilian labour force and almost one third of the paid workers in that civilian labour force.

Same Euphoria Absent

Although the same euphoria was not present after 1956 and more particularly in the sixties, the upward trend of membership continued. But, whereas in the previous 15 years, membership had almost quadrupled, there was only a 90 per cent increase in the 17 years between 1956 and 1973; in fact, between 1959 and 1962, there was an actual decline.

In the late fifties and early sixties, union growth did not keep pace with the increase in paid workers, and the degree of unionization declined. Although it began to improve after 1964, it was not until 1972 that the 1958 level was again attained.

This decline in the degree of unionization can be accounted for by the growth in the proportion of white-collar workers, and the high rate of unemployment in the latter part of the period, particularly among the new entrants to the labour force. The small but gradual increase in union membership, and in the degree of unionization after 1966, can be attributed mainly to advances made in the public service, largely as a result of the introduction by the federal and several provincial governments of collective bargaining procedures for public servants.

Trend to Unity Begins

The year 1940 marked the beginning of the trend toward labour unity. In that year, the fusion of the national unions in the All-Canadian Congress of Labour with the industrial unions expelled by the Trades and Labour Congress brought into existence the Canadian Congress of Labour. The dominant union in the ACCL had been the Canadian Brotherhood of Railway Employees, which was itself mainly an industrial union; therefore, the new organization was inspired with the spirit of industrial unionism. Being a new organization and allied with the more dynamic CIO in the United States, the CCL took a more active role in organizing the unorganized than did the TLC.

The TLC also showed a considerable increase in membership during this period. Although it consisted mainly of craft unions, its doors had always been open to other types of unions (the United Mine Workers is an outstanding example) and under the impact of modern technical developments, its craft union affiliates had modified their purely craft character and allowed membership to semi-skilled workers.

The TLC also showed indications of a greater independence from the AFL. This was particularly noticeable in the conflict over the expulsion of the Canadian Seamen's Union. When, in 1944, the AFL decided to grant jurisdiction over all seamen to the Seafarers' International Union, the TLC told

the AFL that the SIU was a dual union to the Canadian Seamen's Union, which already had jurisdiction in Canada. In 1948, when a further effort was made to undermine the CSU by the formation of the Canadian Lake Seamen's Union, with which the shipping companies had signed an agreement, the TLC again supported the CSU and suspended the Brotherhood of Railway and Steamship Clerks for supporting the dual union.

TLC Prepared to Co-operate

In subsequent discussions with the AFL, the TLC made it clear that it was prepared to co-operate with, but was not prepared to be dominated by, the international unions. This victory, however, was partially reversed in the following year when the CSU was expelled from the TLC for organizing a seamen's strike that was seen by the TLC as part of a world Communist conspiracy.

The conflict with the Communists in the postwar period was one factor that brought the TLC and the CCL closer together. They had both been active in support of the Second World War; in the postwar period they supported the plans for postwar reconstruction, and also gave their support to the Korean War. It was in these two latter instances that the differences with the Communists arose. Apart from expelling the CSU, the TLC at its 1949 and 1950 conventions passed resolutions which to all intents and purposes made it impossible for Communists to work within the Congress or its affiliated unions. In 1949, the CCL, along with the CIO, the British Trades Union Congress and several other western European national union centres, left the Communist-dominated World Federation of Trade Unions. (The TLC, like the AFL, had never joined the WFTU.) At the same time, the CCL carried out its own purge of Communist unions, among them the United Electrical Workers; the Mine, Mill and Smelter Workers; and the International Fur and Leather Workers Union.

Further Unifying Factor

A further factor bringing the two centres together was their desire to influence government policy. Their experiences in this field were not always satisfactory; during the war the TLC complained of "government by order in council". However, after pressure against an order in council dealing with wartime wage controls in December 1943, the labour movement was consulted more frequently by the Government about legislation affecting labour.

The eventual union in 1956 of these two centres into the Canadian Labour Congress was assisted by the amalgamation in 1955 of their counterparts in the United States, the AFL and the CIO. In both cases, the mergers had been preceded by a period of co-operation in which one of the most important features was agreement on no-raiding pacts. The TLC and the CCL at their 1953 conventions decided to form a committee of trade union unity. This committee drew up the no-raiding pact and established a procedure for independent arbitration as its final step. The unification congress was held in April 1956 in Toronto, attended by 1,600 delegates from 120 unions representing just over one million members. The congress rejected clearly any subordination to the AFL-CIO and the latter agreed that its officers working in Canada would be transferred to the CLC.

The One Big Union, which left the ACCL in 1936 and from 1946 onward claimed an annual membership of about 12,000, merged with the CLC in 1956 and agreed to the taking-over of its locals by CLC affiliates.

Steady Membership Increase

The Canadian Labour Congress enjoyed a steady increase in membership. Although there was a decline in membership between 1959 and 1962, by 1956 its membership was higher than it had been previously and by 1973 was 74 per cent higher than the 1957 figure. The affiliation of all but one of the railway running trades brotherhoods boosted CLC membership, but expulsion of the Teamsters and the SIU had the opposite effect. The CLC was particularly concerned during this period with the organization of white-collar workers, and in 1962 established a committee and a department for this purpose. The 1966 convention demanded a review of the structure of the organization, and in 1968 a report was presented to the convention dealing with the review of structure and laying down a code of ethics. The latter was motivated to some extent by the desire to avoid the government intervention that had taken place in the United States. In the review of structure, the main recommendation was with regard to mergers, but apart from making a general request for the merging of suitable units, no specific recommendations were made. The code of ethics dealt with corruption and with the rights of members, and recommended the establishment of public review boards.

Mergers did take place, but it is unlikely that the committee on structure had much influence on them, because in most of the cases the impetus came from the United States. As a result of mergers of national Canadian unions, however, two large public

service unions were formed: the Canadian Union of Public Employees and the Public Service Alliance of Canada.

Canadian Autonomy

The influence of the old CCL was shown in the increased importance given to social and political action. Although the CLC did not affiliate to the New Democratic Party, which was formed in 1961 out of the old Co-operative Commonwealth Federation, it did encourage its affiliated bodies to do so. At its 1970 convention, the CLC also pledged itself to "a new sense of direction. . . in the area of social action" and a reform caucus at this convention sought to push the CLC in a more social and political direction. Later conventions have given attention to the status of Canadian sections of international unions, and sought to increase their autonomy. Arising from a convention decision in 1970, a questionnaire requesting information on Canadian autonomy was sent to the international affiliates operating in Canada and guidelines were subsequently established.

The presence of international unions in Canada was opposed by the Confederation of Canadian Unions, a federation of independent Canadian unions founded in 1968. It had a membership of 22,000 in 1973.

The Canadian and Catholic Confederation of Labour also increased its membership. Between 1940 and 1956, membership more than doubled to 101,000, and in 1973 the membership of the CCCL's successor, the Confederation of National Trade Unions, had increased to 164,000. During the 1940-1956 period, and particularly just after the war, a series of conflicts, the most important being the Asbestos strike in 1949, compelled it to modify its sectarian attitude toward the non-Catholic unions. In 1950, during the Korean War, it collaborated with the TLC, the CCL and the Railway Brotherhoods in making representation to the Government over control of prices. The former policy of passivity was tending to give way to recognition that social peace without justice was not satisfactory, and that is was necessary to give workers support in their struggle against capital. The previous *entente* between the Catholic unions and the State was disrupted under the Duplessis régime. In these circumstances, the CCCL was more favourably disposed to co-operation with the other centres. At its 1955 congress, it declared itself favourable to trade union unity and ready to undertake a study of the best methods for accomplishing complete trade union unity in Canada while at the same time, safeguarding the spirit of independence of the Canadian labour movement. Although not prepared to merge with the CLC, it was prepared to seek affiliation to that body as a single union, with constituent bodies safeguarded from raiding by the other unions in the CLC.

Alters Name

In 1960 the CCCL dropped "Catholic" from its name and became the Confederation of National Trade Unions (CNTU). The leadership of the church was increasingly being replaced by that of university-trained leaders whose influence was reflected in the increasing militancy of the organization. The CNTU divested itself of its ideological outlook, and until the late sixties could be considered as a modern business union. Since then, there has been a greater influence of Québec nationalism on the leadership and the ties with the Government have loosened considerably. The efforts toward unity with the CLC failed, but the CNTU collaborated more closely with the Québec Federation of Labour (the provincial body of the CLC). There were probably underlying philosophical and political reasons for the failure of the unity talks, but ostensibly the reason was the reluctance of the CLC to accept the CNTU as an affiliate without any change in its basic structure. The CLC believed that some of the locals and even federations of the CNTU should be prepared to merge with the appropriate unions affiliated to the CLC, but this was not acceptable to the CNTU. Unity talks between the two organizations were eventually broken off in 1964 and a period of inter-union rivalry in Québec ensued.

Friction developed also between the CNTU and the international unions over the former's efforts to organize groups of French-speaking workers who were part of nation-wide bargaining units. Eventually, the Canada Labour Relations Board allowed separate bargaining units for certain groups in Québec, such as the Canadian Broadcasting Corporation newsmen. Inter-union raiding reached such proportions that the CNTU, the QFL and the Québec Teachers' Corporation opened negotiations to formulate a no-raiding pact. This brought the QFL into conflict with its parent body, the CLC; the conflict was resolved at the 1968 CLC convention, where it was agreed that the CLC would also be a party to any negotiations conducted in Québec with regard to a no-raiding pact. Since then, there has been collaboration between the three organizations in a "Common Front" against the Québec government, although differences between them have appeared from time to time. The dispute with the government resulted in jail

sentences in the spring of 1972 for the leaders of the three organizations.

Several Unions Secede

The involvement in the "Common Front" and defiance of the Québec Government by its leaders led in 1972 to the secession of several CNTU unions to form the *Centrale des syndicats démocratiques*. This organization reported a membership of 41,000 in 1973.

There are so many imponderables about the Canadian labour movement that to predict its future development would be a hazardous enterprise. In terms of membership growth, it is just emerging from a period of stagnation comparable to that which existed in the inter-war period. The movement rose out of that stagnation due to the organization of semi-skilled workers by the new industrial unions, and the assistance of more beneficial legislation. Since the mid-sixties, the growth has been largely attributable to the organization of government employees, assisted mainly by the extension to them of collective bargaining rights.

Today there still remains potential for growth in that almost two-thirds of the non-agricultural paid workers are unorganized. But these are in a different job situation than were the unorganized in the thirties. They are not semi-skilled workers in mass production units, but are mainly white-collar workers and workers in small establishments. Their organization will be a much slower process than was the organization of the semi-skilled workers.

Furthermore, there has been a deterioration in the image of unionism since the thirties. Apart from the fact that labour is no longer regarded as an underdog, the high incidence of strikes, and certain instances of corruption in the unions have not done the movement much good.

The future of organized labour in Canada depends on whether it can improve this unfavourable image and adapt itself to the task of organizing the increasing number of white-collar workers.

Table I

Union Membership, Union Locals and Union Membership as Percentage of the Civilian Labour Force and the Total Non-Agricultural Paid Workers

Year	Union Locals	Union Membership (Thousands)	Union Membership as Percentage of civilian labour force	Union Membership as Percentage of non-agricultural paid workers
1900	650			
1901	800			
1902	960			
1903	1,150			
1904	1,200			
1905	1,200			
1906	1,270			
1907	1,430			
1908	1,540			
1909	1,620			
1910	1,625			
1911	1,741	133		
1912	1,883	160		
1913	2,017	176		
1914	2,003	166		
1915	1,883	143		
1916	1,842	160		
1917	1,974	205		
1918	2,274	249		
1919	2,847	378		
1920	2,918	374		
1921	2,668	313	9.4	16.0
1922	2,512	277	8.2	13.6
1923	2,487	278	8.1	13.2
1924	2,429	261	7.5	12.2

Year	Union Locals	Union Membership (Thousands)	Union Membership as Percentage of civilian labour force	Union Membership as Percentage of non-agricultural paid workers
1925	2,494	271	7.6	12.3
1926	2,515	275	7.5	12.0
1927	2,604	290	7.7	12.1
1928	2,653	301	7.8	12.1
1929	2,778	319	8.0	12.6
1930	2,809	322	7.9	13.1
1931	2,772	311	7.5	15.3
1932	2,710	283	6.7	15.3
1933	2,687	286	6.7	16.7
1934	2,720	281	6.5	14.6
1935	2,717	281	6.4	14.5
1936	2,860	323	7.2	16.2
1937	3,231	383	8.5	18.2
1938	3,280	382	8.3	18.4
1939	3,267	359	7.7	17.3
1940	3,221	362	7.9	16.3
1941	3,318	462	10.3	18.0
1942	3,426	578	12.7	20.6
1943	3,735	665	14.6	22.7
1944	4,123	724	15.9	24.3
1945	4,329	711	15.7	24.2
1946	4,635	832	17.1	27.9
1947	4,956	912	18.4	29.1
1948	5,114	978	19.4	30.3
1949	5,268	1,006 (a)	19.3	29.5
1950	—	— (b)	—	—
1951	5,458	1,029	19.7	28.4
1952	6,052	1,146	21.4	30.2
1953	6,235	1,220	23.4	33.0
1954	6,425	1,268	24.2	33.8
1955	6,673	1,268	23.6	33.7
1956	6,762	1,352	24.5	33.3
1957	6,758	1,386	24.3	32.4
1958	6,853	1,454	24.7	34.2
1959	6,763	1,459	24.0	33.3
1960	6,805	1,459	23.5	32.3
1961	6,945	1,447	22.6	31.6
1962	6,989	1,423	22.2	30.2
1963	7,073	1,449	22.3	29.8
1964	7,404	1,493	22.3	29.4
1965	6,629	1,589	23.2	29.7
1966	7,676	1,736	24.5	30.7
1967	8,678	1,921	26.1	32.3
1968	9,273	2,010	26.6	33.1
1969	9,310	2,075	26.3	32.5
1970	9,593	2,173	27.2	33.6
1971	10,056	2,231	26.8	33.6
1972	10,462	2,371	27.6	34.4
1973	10,255	2,591	29.2	36.1

(a) Includes Newfoundland for the first time.
(b) Data on union membership for all years up to and including 1949 are as of December 31. In 1950 the reference date was moved ahead by one day to January 1, 1951. Thus, while no figure is shown for 1950, the annual series is, in effect, continued without interruption. The data on union membership for subsequent years are also as of January 1.

A Review of Labour Legislation in Canada

by Legislative Research Branch

The evolution of Canadian labour legislation reflects the changing society we live in. Crises in the labour force have required new legislative measures, and the shared legislative responsibility in the labour field often created conflicts that only courts have solved. Labour laws have become complex. Only four types of labour legislation are discussed in this article: human rights, labour standards, apprenticeship and emergency legislation. The following article deals with the composition of labour relations boards in Canada.

Human Rights

Eleven jurisdictions in Canada have enacted laws aimed at protecting human rights. With a few exceptions, these laws are fairly uniform in their scope and functions.

Federal Legislation

The federal Parliament has not enacted a human rights act that lists specific prohibited practices. In the area of employment, however, it has enacted Part I of the Canada Labour Code (Fair Employment Practices), which prohibits discrimination in employment and such employment-related matters as trade union membership, employment agencies and pre-employment enquiries, advertisements for employment and the use of application forms. The grounds upon which discrimination is prohibited are race, national origin, colour and religion. Equal pay for both males and females is also provided for in this law.

Parliament has also enacted the Canadian Bill of Rights. By this act, any federal law that infringes upon a declared right or freedom may be declared to be inoperative. This sanction does not apply to those laws that expressly provide that they shall remain operative notwithstanding the Canadian Bill of Rights.

The Bill of Rights recognizes the freedoms of speech, religion, assembly, association and the press; the right to life, liberty, security of the person and enjoyment of property, and the right not to be deprived of those rights except by due process of law. These rights and freedoms exist without discrimination on grounds of race, national origin, colour, religion or sex.

Also recognized and protected are such rights as the right to counsel and a fair hearing and the presumption of innocence. Protection against cruel punishment, the right to an interpreter and certain rights of an arrested person also are contained in the Bill.

The Canadian Bill of Rights is unlike other Canadian human rights acts in that it does not contain prohibitory clauses and concomitant penal clauses.

Canadian Human Rights Act

Justice Minister Otto Lang introduced in the House on July 21, 1975 a bill on human rights that would prohibit discrimination in all matters within federal jurisdiction on the grounds of race, national or ethnic origin, colour, marital status, religion, sex or age; and provide for the establishment of a Canadian Human Rights Commission as a vehicle for investigating and preventing discriminatory practices in areas under federal jurisdiction.

Provincial Legislation

With the exception of Québec, all of the provinces and the two Territories have a human rights act or acts (as in the case of Saskatchewan). Québec is as yet limited to legislation which prohibits discrimination in employment and employment-related practices on grounds of race, colour, sex, religion, national extraction and social origin. And the Hotels Act prohibits discrimination in the provision of lodging, food, etc., by any hotel, restaurant, camp ground or trailer park.

All the other provinces and the Territories have a human rights act. Not all

are equally extensive in their coverage; for example, Manitoba, Nova Scotia, New Brunswick, Ontario, Saskatchewan and the Yukon embody certain labour matters such as equal pay in separate acts.

In general, however, in so far as their subject matter is concerned, the human rights acts can be subdivided into three categories: general, employment and employment-related matters, and occupancy and property matters.

The group of prohibitions that fall under the category referred to as "general" deals with publications, signs, symbols, etc.; public accommodation, services and facilities; association with minority groups; and contracts made available to the public in general.

The "employment and employment-related subjects" group deals with employers, employment agencies, application forms, advertisements and inquiries pertaining to employment, trade unions, professional, business and trade associations, and equal pay.

The last group deals with occupancy (i.e., apartments and other forms of housing and business occupancy) and conveyance of property.

Although the grounds upon which discrimination is prohibited vary somewhat from one act to another, some are common to all provincial and territorial human rights acts. These are: race, colour, religion (called "creed" or "religious creed" in some cases), sex and nationality (or national origin).

In selected jurisdictions other grounds upon which discrimination is prohibited include marital status, ancestry, place of origin and age. Some jurisdictions have provisions that are unique. Only Nova Scotia, for example, prohibits discrimination because of physical handicap.

Human Rights Commissions

Eight provinces provide for Human Rights Commissions. Québec and Prince Edward Island do not, but this will change in the near future, as legislation has been introduced in both these jurisdictions. Besides determining cases of alleged violations of human rights, the Alberta, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan Commissions also have a role in the administration of the acts.

Trends

A distinct trend in the development of human rights acts has been one of expanded coverage. Discrimination in various practices is being prohibited in more and more cases. This is being done two ways. First, the grounds upon which discrimination is prohibited are being extended. As an example, many jurisdictions now prohibit discrimination because of one's marital status. This was not always the case. Secondly, some exceptions (this includes institutions) to whom provisions are applicable have been removed.

There have also been changes in approaches to administration and enforcement of the acts in recent years — notably in British Columbia, Ontario and Manitoba — and an increase in penalties provided for contravention of the provisions.

Clearly, human rights legislation is and probably will be in a state of flux for some time to come.

Labour Standards

The thirteen jurisdictions in Canada have enacted legislation to cover most of the basic elements of labour standards. These minimum standards generally comprise minimum wages, hours of work, annual vacations, public holidays, termination of employment, maternity protection and, federally, severance pay.

Labour standards are the very minimums governing the working conditions under which a person must work. They are applicable to almost all of the labour force, with a few exceptions, and are the protection afforded to more than two-thirds of the Canadian work force, the unorganized portion. Organized labour often uses the minimum standards as a platform from which to negotiate improvements in its own conditions.

Minimum Wages

Minimum wage legislation exists in all jurisdictions to provide for basic living standards for workers. Authority to establish minimum wages for employees is vested in minimum wage boards, the Governor in Council or the Lieutenant-Governor in Council. Minimum wage rates, which have been rising rapidly in recent years because of inflation, cover almost all employment except farm labour and domestic service, with a few exceptions, and some other excluded categories. These rates apply to members of both sexes. Many jurisdictions also set special minimum rates for young workers.

Hours of Work

Legislation has been enacted in all jurisdictions setting standard and/or maximum hours. The limitations vary from one jurisdiction to another and may be based on daily and weekly restrictions.

Overtime is normally provided for on a basis of one and one-half times the regular rate after a certain number of hours are worked. Maximum hours may also be increased with ministerial permits. Provisions for averaging hours over a number of weeks may be likewise arranged. Some jurisdictions also provide for extended daily maximum hours in order to condense the work week.

Annual Vacations

Annual vacations legislation exists in all jurisdictions and is applicable to most industries. The minimum standard is two weeks, with longer vacations in two of the provinces. Normal reimbursement for annual vacations is on the basis of 2 per cent of an employee's gross earnings per week of vacation.

Public Holidays

Nine of the thirteen jurisdictions have enacted legislation of general application dealing with public holidays. The number of holidays varies from six to nine. The other four provinces (New Brunswick, Newfoundland, Prince Edward Island and Québec) are presently studying the possibility of providing for public holidays.

Termination of Employment

Individual notice of termination of employment exists in nine jurisdictions. British Columbia, New Brunswick, the Yukon and Northwest Territories do not have this standard. The notice period varies upward from one week to a maximum in some provinces of eight weeks after a certain period of service. In most jurisdictions there is a certain reciprocation, the employee having to give notice to the employer.

Group termination of employment is covered in five jurisdictions: federal, Manitoba, Nova Scotia, Ontario and Québec. The length of the notice varies with the number of employees whose employment is being terminated. Advance notice must be forwarded also to the different Ministers of Labour in order that placement or retraining may be initiated for these workers.

Maternity Protection

The federal Government and six provinces require employers to provide unpaid maternity leave and prohibit dismissal because of pregnancy. Alberta, Newfoundland, Prince Edward Island, Québec, the Yukon and the Northwest Territories do not provide this protection. The leave periods vary between 12 and 18 weeks.

Severance Pay

Severance pay, which exists at the federal level only, must be paid to an employee who has completed five years of employment for an employer and whose employment is terminated by that employer. It is paid on the basis of two days' regular wages per year of service to a maximum of 40 days' wages.

Labour Standards legislation is a dynamic field where studies and revisions are continually going on. Human rights codes and laws governing fair employment practices have played an active role in recent years. Social pressure has likewise had a great influence on these changes. With the legislation presently being prepared in many jurisdictions, labour standards will be in the forefront for a long time to come.

Apprenticeship

Apprenticeship is a program jointly operated by the federal and provincial Departments of Labour (in Ontario, the Ministry of Colleges and Universities) in co-operation with employers and trade unions, through which a person may reach journeyman status in a designated trade.

Federal legislation

In 1942, the Vocational Training Co-ordination Act was passed by Parliament. It was subsequently replaced by the Technical and Vocational Training Assistance Act and this, in turn, was repealed in 1967 by the Adult Occupational Training Act.

The provisions of the Adult Occupational Training Act enable the federal Government to enter into a contract with any province to assume the costs incurred by provincial or municipal authorities in providing occupational training to adults. Occupational training is open to adults whose age is at least one year greater than the regular school-leaving age in the province of residence and who have not attended school on a regular basis for at least twelve months. Enrolment in courses that will increase earning capacity or opportunities for employment is arranged by a manpower officer. A training allowance related to family circumstances and living costs may be paid to adults enrolled in an occupational training course.

The federal Government may also enter into contracts with employers to provide training, or with provincial governments to make apprenticeship training facilities available to adults. The Minister of Manpower and Immigration may join with a provincial government in establishing a joint committee to assess that province's manpower needs, may make contributions not exceeding 50 per

cent of the costs incurred by a province in undertaking a research and development program, and may make loans available to the provinces for the purchase or construction of occupational training facilities. Contributions in respect of capital expenditures incurred by a province on occupational training facilities may be made by the Minister with the approval of the Governor in Council.

Provincial legislation

All the provinces and the Northwest and Yukon Territories provide for a broad program of industrial training through apprenticeship. Trades are designated by statute or by order in council as being suitable for apprenticeship training, which consists of on-the-job experience and classroom instruction.

Except in Ontario, provision is made for the appointment of a Provincial Apprenticeship Board or Committee (in New Brunswick, the Industrial Training and Certification Board), which is empowered to make recommendations or regulations governing the establishment of apprenticeships, the training of apprentices, and their conditions of employment. A Director of Apprenticeship (or Industrial Training) is in charge of administration.

Provincial or trade advisory committees may be appointed for each designated trade with authority to recommend or establish rules for a particular trade relating to educational requirements, period of apprenticeship, and ratio of apprentices to other employees. In Newfoundland, a plan of apprenticeship training may be formulated by individuals or groups of employers and employees' representatives engaged in a particular trade, subject to the approval of the Board.

A regulation has been issued in Québec setting out requirements pertaining to apprenticeship in the construction industry. In Prince Edward Island and Saskatchewan, apprenticeship may be entered into by collective agreement or under a private plan of apprenticeship training operated by an industry, as well as on an individual contract basis. Local advisory committees may be appointed to assist in matters relating to apprenticeship training in a particular area, in some instances with authority to hear grievances. Most boards and committees are representative of both organized labour and industry, including in some cases officers from the Departments of Labour, Education or Colleges and Universities. In Québec, the Minister of Labour and Manpower may establish a provincial advisory committee including representatives of the Manpower and Vocational Training Commissions and of the Departments of Education, Industry and Commerce, and Family and Social Welfare. Allowances are payable to apprentices attending daytime technical training classes in British Columbia, Newfoundland, Saskatchewan, Northwest Territories and the Yukon.

The Manpower Vocational Training and Qualification Act has substantially revised the apprenticeship training program in Québec. Brought into force in several stages, its provisions repealed the Apprenticeship Assistance Act and revised those sections of the Collective Agreement Decrees Act, the Minimum Wage Act and the Construction Industry Labour Relations Act that pertained to apprentices. It provides that a Manpower Vocational Training Commission may be incorporated on petition to the Lieutenant-Governor in Council. Each commission consists of twelve persons appointed by regional advisory committees and must be representative of employers, employees, and the two sectors of industry and services, in the region. Such commissions are empowered to make agreements with educational institutions respecting training facilities, and to give courses in apprenticeship, vocational training and retraining of manpower. The conditions for admission to apprenticeship, examinations for qualification, and the establishment of training programs that include practical and theoretical studies are set by regulation. Certificates of qualification are mandatory for those trades and vocations specified by regulation.

Trends

In the apprenticeship field, the trend in recent years has been twofold. First, many trades have been added to or deleted from those designated as being certified under the acts. This results in part from the fact that developing technology dictates new functions, and therefore new trades. Second, some existing certified trades have been revised in view of new methods and standards, therefore necessitating new rules for training and certification. There is every reason to believe that this trend will continue.

Emergency Legislation

In a context of labour relations, emergency legislation may be defined as an Act of Parliament, or any provincial legislature, establishing the grounds of settlement of labour disputes affecting sectors of the economy generally recognized as essential.

Generally speaking, emergency

legislation is adopted once the process of collective bargaining has been completed. Where direct negotiation is unsuccessful and conciliation and mediation services have been exhausted without any results, the Minister of Labour (federal or provincial as the case may be) may introduce a bill for the purpose of bringing a settlement. This bill is prepared by legal advisers of the Labour and Justice Departments. The Minister of Labour concerned is responsible for the administration of the act. On second reading of the bill, in a statement made before the Members of Parliament, the Minister of Labour explains the fact situation of the work stoppage and the reasons why parliamentary action has to be taken.

In the past 25 years, the Parliament of Canada has adopted emergency legislation on 11 occasions to settle labour disputes affecting railways, ferry services, longshoring and grain handling operations.

In 1950, 1960, 1966 and 1973 employees of the principal railways were legislated back to work because of strike action. Ad hoc legislation was passed in 1958 also to end a two-month strike that interrupted the functions of the British Columbia Coast Steamship Service between Vancouver Island and the mainland of British Columbia.

Longshoring Operations

Longshoring operations constitute another important sector of economy where labour disputes have lead to the adoption of emergency measures. As a result of strike action on the West Coast of Canada and at ports on the St. Lawrence, longshoremen were legislated back to work on two occasions in 1972 (West Coast and Québec area) and twice again in 1975 (West Coast and Québec area). Ad hoc legislation was adopted in 1972 also to deal with a longshoring dispute in the St. Lawrence ports but did not order resumption of work because strike action was settled through the processes of collective bargaining and mediation.

In October 1974, resumption of grain handling operations on the West Coast was ordered by Act of Parliament as a result of a six-week strike by grain handlers.

Under six provincial jurisdictions, namely British Columbia, Newfoundland, Nova Scotia, Ontario, Québec and Saskatchewan, there have been 22 instances in the past 10 years of adoption of ad hoc legislation. Such measures were passed either to prevent a work stoppage, to bring an end to an actual strike, to specify essential services in a particular sector or to place locals of a trade union under trusteeship. The categories of workers concerned by such legislation were: firefighters and municipal policemen, hospital workers, teachers, civil servants, construction workers, hydro employees, elevator constructors and employees of public transportation (urban transport, water transport).

On May 22 of this year, the Québec legislature adopted Bill 29, an Act respecting the placing of certain labour unions under trusteeship. The Act was passed as a result of recommendations by the inquiry commission on freedom of association in the construction industry, chaired by Judge Robert Cliche. The object of the Bill is to place three locals of the Québec Federation of Labour under trusteeship: plumbers and pipe fitters local 144, operating engineers local 791, and electrical workers local 1677. The Act was also introduced to prolong by three years the trusteeship of Locals 89 and 101 of the QFL elevator constructors.

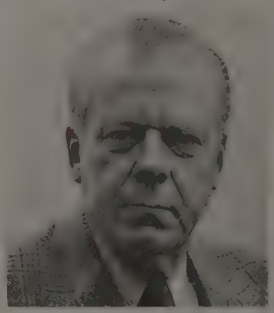
Bill 30, amending the Construction Industry Labour Relations Act, was adopted on May 22 also. Section 2 of the Bill provides that strikes, lockouts, work slowdowns are prohibited during the term of a decree and establishes that in proceedings following a lockout, strike or slowdown of work, the proof that he did not order, encourage or support it or that he did not take part therein will devolve on the accused.

Marc Lapointe, QC.
Chairman, CLRB

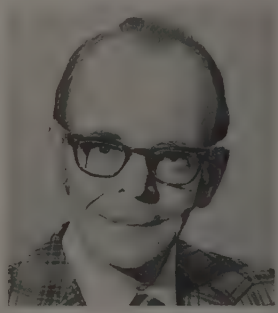
Hélène Lebel,
Vice-Chairman, CLRB

Dr. J.W. Willard,
Vice-Chairman, CLRB

L.E. Shaffer,
CLRB

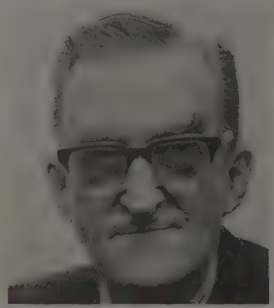


Cleve Kidd,
CLRB



Gérard Picard,
CLRB

Norman Bernstein,
CLRB



Gérald W. Brown,
CLRB

R.J. Arseneau,
CLRB

The Composition of Labour Relations Boards in Canada

by William H. Langford,
Legislative Research Branch

The relative success of collective bargaining in Canada has been due in large part to the key function of labour relations boards in their development of the process of determination of issues under the legislation of each jurisdiction.

A prime mover on the road to the attainment of some rationality in labour relations in Canada has been the legislation adopting certification principles, the Wartime Labour Relations Regulations 1944 (Order in Council P.C. 1003), which followed the lead given by the United States in its innovative National Labor Relations Act, 1935 (the Wagner Act).

The compulsion placed on employers to bargain in good faith with employees in certified bargaining units represented by exclusive agents determined by the Labour Relations Board removed many difficulties that beset Canadian labour relations up to 1944.

The Wartime Labour Relations Board alone administered the Regulations at first, but as the machinery evolved, the provinces adopted their own boards.

The tripartite concept of the boards' representing labour, management and government on a relatively equal basis has persisted traditionally, although not without some criticism, aimed mainly at the very "Canadian" element of negotiation — compromise.

The Canada Labour Relations Board, set up in 1948 to succeed the wartime board, operated on a part-time basis and had labour and management members.

Alternatives Recommended

The 1968 Report of the Task Force on Labour Relations (the "Woods Report") recommended some alternatives, which included the re-constitution of the Board as a full-time, non-partisan, quasi-judicial body able to operate across the country and with many statutory and regulatory powers much more broad than those existing. Consequently, a reconstituted Labour Relations Board was appointed in 1973 under Part V of the Canada Labour Code.

Each legislative jurisdiction in Canada, except Québec, has created a board empowered to determine certain questions related to collective bargaining under labour relations legislation. In Québec the responsibility is divided between the Labour Court (consisting of provincial judges) and Commissioners and other officers of the Department of Labour and Manpower.

The most important functions of these boards are the administration of the certification or accreditation process — including the determination of appropriate bargaining units, of employee or employer status and of trade union memberships — and the suppression of unfair practices and other violations of the legislation.

Representative Character of Boards

Most jurisdictions in Canada have selected the respresentative-type board composed of three categories of members: an independent chairman and vice-chairman, representatives of employees and representatives of employers.

The federal Public Service Staff Relations Board and six provincial boards (British Columbia, Manitoba, New Brunswick, Newfoundland, Ontario and Saskatchewan) are required to have representative members in equal numbers, but the Acts do not specify how their representative character is to be determined.

The Canada Labour Relations Board and the boards of Alberta, Nova Scotia and Prince Edward Island are not by law required to have

representative members. In these jurisdictions, the selection of members is left entirely to the Government. The usual practice, however, is to select, in equal numbers, members who are generally recognized as representing the views of employers and employees.

Panel System

Pressure of the work in some jurisdictions has led to legislative amendments authorizing boards to sit in panels or divisions. This is now the case in Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario and Prince Edward Island.

The Public Service Staff Relations Board also is authorized to sit in divisions. Although not specifically mentioned in the Canada Labour Code, in practice, under its general delegation authority, divisions or panels may be established in the federal jurisdiction providing quorum requirements are observed. The Newfoundland board also is empowered to "authorize any person or board to exercise or perform all or any of its powers or duties." In this province, by a recent amendment, part-time representative members may be appointed to serve on panels.

New Brunswick and Ontario have made special provisions for divisions of the board to deal with construction industry questions, and the Nova Scotia Construction Industry Panel serves the same purpose.

Members

Both federal boards are required to have four as the minimum and eight as the maximum membership. The Canada Labour Relations Board may have an additional vice-chairman where the Governor in Council considers it advisable, and the Public Service Staff Relations Board has a vice-chairman as well as providing for not more than three deputy chairmen.

No specific number of members is laid down in the Acts of five provinces (Alberta, British Columbia, New Brunswick, Ontario, and Prince Edward Island); the size of the boards is determined by the Lieutenant-Governor in Council.

Nova Scotia and Saskatchewan stipulate five members, Manitoba three or more, and Newfoundland four to six, with provision for additional part-time members to serve on panels.

In Alberta, the Lieutenant-Governor in Council may designate "any other members" as additional vice-chairmen, and British Columbia, Manitoba, New Brunswick, Ontario and Prince Edward Island may have more than one vice-chairman. If more than one vice- chairman is appointed in Manitoba, one is designated as the "Senior Vice-Chairman".

Alternate Members

Primarily to assure a quorum, alternate members are provided for in Manitoba, New Brunswick, Newfoundland, Nova Scotia and Saskatchewan. In Ontario and New Brunswick, the Lieutenant-Governor in Council designates one of the vice-chairmen to be the alternate chairman.

Quorum

In the case of six of the boards that are required by law to have representative members (the Public Service Staff Relations Board and the boards in British Columbia, Manitoba, New Brunswick, Newfoundland and Ontario), three members consisting of the chairman or vice-chairman and one member representing employers and one representing employees constitute a quorum. In Saskatchewan, where members of the board are selected so that employers and employees are equally represented, and in Nova Scotia and Prince Edward Island, where the boards are not required by law to have representative members, a majority of members constitutes a quorum.

Decisions of the Board

The decision of the majority of the members present is the decision of the board, provided a quorum is present. It is general practice for a tie vote to be decided by the chairman or vice-chairman.

Oath of Office

An oath of office is required of the members of the labour relations board by the legislation of eight provinces (British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan), by which the member undertakes to "faithfully, truly and impartially" to the best of his skill and ability perform his office. Except for New Brunswick and Saskatchewan, the oath specifically includes the undertaking not to disclose any evidence or other matters to anyone except in the discharge of his or her duties.

Tenure of Office

Board members in five provinces (British Columbia, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan) hold office during pleasure. In Manitoba, the term of office is fixed in the order appointing the member. The chairman and vice-chairman in Alberta hold office during pleasure, and

members are appointed for seven-year terms. The British Columbia chairman has a tenure of five years. In New Brunswick, the chairman and vice-chairmen hold office for ten years and the members for four. In Newfoundland, the chairman and vice-chairman hold office for two years. The two employer and the two employee representatives hold office for two years; one of the employer representatives and one of the employee representatives retires each year. Officers and members hold office during pleasure and are eligible for re-appointment.

The chairman, vice-chairman and deputy chairmen of the Public Service Staff Relations Board are "appointed by the Governor in Council to hold office during good behaviour for such period, not exceeding ten years, as may be determined by the Governor in Council, but each may be removed at any time by the Governor in Council upon address of the Senate and House of Commons." Each of the other members of the board is appointed by the Governor in Council to hold office during good behaviour for such period, not exceeding seven years, as may be determined by the Governor in Council, but a member so appointed may be removed for cause at any time by the Governor in Council.

The Canada Labour Relations Board members are appointed to hold office during good behaviour for terms not exceeding ten years in the case of the chairman and vice-chairmen and for five years in the case of any other member. As in the Public Service Staff Relations Board, all may be re-appointed.

Québec Labour Court

In Québec, the duties usually performed by a labour relations board are assigned to civil servants and a Labour Court. The responsibility for the certification procedure and the performance of such administrative functions as dealing with unfair practices complaints is placed in three categories of officials appointed to the Department of Labour and Manpower: investigators, investigation commissioners and a chief investigation commissioner.

The Québec Labour Court is, in effect, a specialized division of the Provincial Court, "entrusted with rendering decisions in labour litigation". Its members are appointed from the judges of the Provincial Court. The Act makes it obligatory that there be consultation with the Bar of the Province, and with the Advisory Council on Labour and Manpower, before members are appointed. The Court is to consist of a Chief Judge, an Associate Chief Judge, and a sufficient number of other judges for the rapid despatch of the business submitted to the Court. The Minister of Justice is responsible for the administration of the part of the Code dealing with the Labour Court.

The Labour Court now assumes the role and powers formerly exercised by the Labour Relations Board under the Civil Service Act with regard to government employees who are employees within the meaning of the Code. It must decide all disputes arising from the exclusion from or inclusion in the bargaining unit of an employee or class of employees, and it has the power to cancel a certification and grant another under the conditions prescribed by the Code.

Under the Civil Service Act, the Labour Court has the duty also of determining the essential services that are to be maintained during a strike of provincial employees, if these are not determined by prior agreement of the parties.

Labour Standards: What Lies Ahead?

by G.R. McKnight,
Labour Standards Branch

History shows that labour standards legislation has been designed to provide workers at least a minimum amount of protection from employers who would take advantage of them in order to make or increase profits. Labour standards have attempted to establish a minimum level of working conditions for workers least able to protect themselves.

Let it be understood from the outset, the "bad" employer we are discussing here is certainly in the minority. Most employers voluntarily provide to their workers at least the minimum standards established by the various legislatures in Canada, for varying reasons:

1. they are complying with a law, much the same as drivers must honor the "rules of the road" established by law;
2. they cannot attract the type of worker they want or need unless they provide well in excess of the minimum standards;
3. they wish to give a reasonable return for services rendered by their workers.

Labour Standards — leader or follower?
But which comes first, the legislation or the standard? In other words, should government legislate standards that have already become the norm for most workers, or should government take the lead in identifying socially desirable working conditions to afford a fair return to a worker for his services? Should we be discussing "minimum" standards that would assure only a basic income and protection to a worker, or "fair" standards that would be based on the gains already achieved by the majority of workers, mainly through the collective bargaining system?

The Evolution of Federal Legislation
On the federal scene, the first legislation providing some form of protection to workers in the area of "labour standards" was the Fair Wages Policy of 1900, the year that the Department of Labour was established. A Resolution was passed by the House of Commons declaring that workers on all public works undertaken by the Government or aided by government funds should be paid wages generally accepted as current in each trade in the district where the work was being carried out.

This policy, which in its basic form still applies today, was amended several times over the years, and led to the Fair Wages and Eight-Hour Day Act of 1930, which in turn was replaced by the Fair Wages and Hours of Labour Act of 1935. The latter is still in force, some 40 years later.

In 1935, Parliament ratified three ILO Conventions dealing with hours of work, minimum wages and weekly rest, and enacted the Minimum Wages Act, the Limitation of Hours of Work Act and the Weekly Rest in Industrial Undertakings Act, giving effect to these Conventions. These Acts were declared *ultra vires* of the Parliament of Canada in 1937 by the Privy Council, recognizing that minimum wage and hours of work regulation fell within the competence of the provincial legislatures.

The question of jurisdiction over labour matters became somewhat clearer during and after the Second World War, with the passing by Parliament of legislation applicable only to employees in businesses within federal jurisdiction.

The Female Employees Equal Pay Act was passed by Parliament in 1956, establishing the principle of equal pay for equal work for such employees.

In 1958, the Annual Vacations Act came into force, providing for a minimum annual vacation with pay of one week after one year and two weeks after two years of service. This Act was repealed in 1965 when the Canada Labour (Standards) Code was passed. The Code improved the standards for annual vacations to two weeks after one year's service and, for the first time, established minimum

standards for hours of work, minimum wages and general holidays. The Code provided for a maximum 48-hour week with overtime of not less than time and one-half the regular rate after eight hours a day and 40 hours a week, a minimum wage of $1.25 an hour ($1.00 an hour for workers under 17 years of age) and eight paid general holidays a year. The Labour Standards Branch of the Canada Department of Labour was created to administer the Canada Labour (Standards) Code.

The Canada Labour (Standards) Code was replaced in 1971 by Part III of the Canada Labour Code. The new Act embodied also the equal pay for equal work legislation, and the Female Employees Equal Pay Act was repealed. The new Act introduced new standards providing for up to 17 weeks of maternity leave, two weeks notice of termination of employment (except for just cause) or pay in lieu thereof, up to 16 weeks notice to the Minister of Labour and the Department of Manpower and Immigration of group terminations of 50 or more employees, up to 40 days severance pay on termination of employment (except for just cause), and prohibition of dismissal because of garnishment proceedings.

Jurisdiction

The British North America Act established the areas of responsibility of the federal and provincial Governments. After more than 100 years of operation, however, the question of jurisdiction in some cases is still unclear.

Generally speaking, undertakings within federal jurisdiction for labour matters include operations that are interprovincial or international in nature, such as railway, ship, ferry, bus, trucking, telegraph, telephone, pipeline, tunnel, bridge and canal operations, as well as operations relating to inland and maritime navigation, longshoring and stevedoring. Also included are aerodromes and air transport, radio and television stations, banks, primary fishing where the fishermen work for wages, Crown corporations, and certain undertakings that have been declared by Parliament to be for the general advantage of Canada; grain elevators, flour and feed mills, uranium mining and processing and certain individual undertakings, such as Hudson Bay Mining and Smelting Company and British Columbia Telephone Company Limited. Undertakings in other industries come under the jurisdiction of the provincial and territorial Governments.

The Canadian Association of Administrators of Labour Legislation (C.A.A.L.L.) is made up of the departments of government in the 13 Canadian jurisdictions, and meets annually to discuss problems of mutual concern and interest. The Association has four Standing Committees, one of which is the Labour Standards Committee. The committee, in existence for some seven years, is made up of representatives from the various jurisdictions who are responsible for the administration of labour standards legislation, and meets annually.

At the committee meetings, as well as at the regional subcommittee level, discussion is held on items of common concern, and information is exchanged on such matters as the problems of administration of the various legislations. Generally speaking, an attempt is made to achieve some "common purpose" and to present proposals to the C.A.A.L.L. that will lead to more similarity across the country of labour standards legislation and administration.

Federal Labour Standards Administration

As with most legislation, Part III of the Canada Labour Code (Labour Standards) provides for investigation of complaints and for inspections to ensure compliance with the law. To carry out this function, regional offices are located in major cities across Canada. Co-ordination of activities and legislative and policy review and revisions are carried out at Head Office in Ottawa.

Functions of the regional offices include the receiving and investigation of complaints, the carrying-out of routine inspections, counselling employees and employers on the application of the legislation, speaking to interested groups and participating in seminars and conferences.

Labour Standards — what lies ahead?

Although the federal jurisdiction lagged far behind some of the provinces in the introduction of labour standards legislation, the Canada Labour (Standards) Code of 1965 led the way in incorporating into one Act standards that provided protection to employees; the Code provided better protection to employees of industries under federal jurisdiction than was given by most, if not all, of the provinces to the workers under their jurisdictions. In fact, certain provinces have since adopted the format used in the Canada Labour (Standards) Code.

In 1971, the Canada Labour Code came into existence, combining all federal labour legislation into one Act. Part III of the Canada Labour Code replaced the Canada Labour (Standards) Code, and also added a series of new standards, as discussed above. It

appears that, although it was a "late starter," the federal jurisdiction since 1965 has been somewhat of a "trend-setter" in the area of labour standards legislation.

Although no one can predict the future with any degree of accuracy, one can project that labour standards legislation in the future will be expanded into many new areas. Some of these may be benefits already established by the collective bargaining system for organized workers; some may be standards arising from policy decisions by the Government.

It has been suggested in some quarters that governments have gone far enough in the labour standards area, and that continuing to introduce new standards would put a strain on the collective bargaining system, because, the contention is, unions will eventually have nothing left to bargain for. Entrepreneurs state that there is already too much interference by government in the operation of their businesses. One can envisage that labour standards legislation could become so complex that its administration would be a nightmare for governments and employers.

The matter of updating existing standards or adding new ones that will improve the "quality of working life" of Canadians is under continuing study by Labour Canada. Such items as sick leave, pensions, job security, increased vacation and general holiday benefits, compressed work week and flexible working hours are all areas that require further study to determine the appropriateness of their addition to the existing legislation.

Great Expectations

Occupational Safety and Health, the next 75 years

by W.A. Martin,
formerly Chief, Accident Prevention Division

The future of occupational safety and health does not lend itself to easy prediction because the factors upon which it depends are many and, some of them, intangible. The inter-relationship of these factors is complex and cannot always be predicted on the basis of past or present experience. In spite of these difficulties, it is interesting, and even necessary to intelligent accident prevention planning, to speculate on what the future holds for occupational safety and health.

It is always prudent before attempting any prediction to first assess what is currently happening as well as what has happened in the past, even though there is a tendency to regard history as boring and irrelevant; but if every generation has to re-invent the wheel, the increment of progress for each generation will logically be less than it would be if the past had been used as a stepping-stone to the future. This observation is particularly true in the occupational safety and health field, where human nature is a dominant and controlling factor that has not changed significantly in the past two thousand years.

The Past

Occupational safety and health as a conscious and recognizable undertaking of industry and government has a relatively short history, the significant part of which probably does not exceed the 75 years that constitute the life of the Canada Department of Labour. Until the more recent past, most endeavour in the field of occupational safety and health was concentrated on the physical safeguarding of machinery and equipment, with only isolated instances of management control of occupational safety and health as an integrated and ongoing industrial activity.

The indifference to the safety and health of employees was paralleled by the indifference of the public to environmental damage that we now have often found to be irreparable. The lesson is clear that sometimes we do not get a second chance.

Within the past few years, investigations conducted by the Department, as well as extensive studies conducted by others, have demonstrated that, contrary to common belief, employee carelessness is not the single dominant cause of accidents. Most employment accidents are the result of a complex combination of unsafe acts and unsafe conditions; in many instances, so-called unsafe acts may be attributed to lack of job knowledge resulting from inadequate job and safety training or inadequate supervision because managers and supervisors have not been held accountable for the work injuries sustained by the employees under their control. Yet, many accident prevention programs are still based on the erroneous assumption that most accidents are the fault of the employee.

The Present

Even today, the idea that occupational safety and health relates largely to mechanical safeguards is evident and is reflected in the slow development of the industrial safety discipline to a professional status. Indeed, occupational safety and health, with a few notable exceptions, has not kept pace with the great advances that have been made in the fields of technology and management.

The safety sections of the Canada Labour Code date back to 1967, a scant eight years ago, and their regulations, which cover all aspects of occupational safety and health in the federal field of jurisdiction, have been developed and issued since that time.

These regulations pertain to a wide variety of safety and health concerns, including noise, lighting, dangerous substances, materials handling, personal protective equipment, etc. Because they are recent, are based on wide practical experience, and were issued only after extensive consultation with both labour and management, they are compatible with current technology.

Experience indicates that rules and regulations, no matter how rigorously applied, are only minimum standards to meet legal

requirements and do not constitute more than a portion of a comprehensive accident prevention program. Intelligent management of such a program at both the headquarters and plant levels is a key factor in determining its success. Further, if the intangible elements, such as the attitude of the employer and the employee to one another and to the work (particularly the safety and health aspect of it) are favourable, the tangible elements, such as the physical conditions that are prescribed by rules and regulations, will attain their proper order without conscious enforcement.

Technology in the field of accident prevention has not kept pace with the advances of general technology. This "back-of-the-bus discrimination" being suffered by accident prevention programs is evident in many areas of work. One need only point to sophisticated and expensive mechanical equipment, such as diesel locomotives and large earth-moving vehicles, to illustrate the point. In too many cases, noise, lighting, ventilation and the general comfort of the operators of this equipment have until recently seldom been considered at the design stage, even though the cost of controlling these factors within satisfactory limits would be a very small fraction of the total cost of the equipment.

5 disabling injuries per 100 employees

Current accident statistics indicate that on average there are approximately five disabling injuries each year for every 100 employees, a figure that must be regarded as unacceptable when it is realized that a significant portion of these 100 employees are office and other workers who are engaged in low-hazard work. Disabling injury frequency rates as high as 10 per 100 employees are not uncommon, but these extremes are masked in national statistics by the low frequency rates of other industries.

The cost of these injuries, measured in compensation benefits alone exceeds $400 million a year in Canada. When due allowance is made for production losses and property damage, the annual work-accident bill in Canada is of the order of $2 billion. This loss in human and material resources is a drag on the economy that warrants serious concern by the leaders of labour, management and government.

It has been previously noted that the efforts of the earliest pioneers in accident prevention and the dramatic gains made were largely the result of mechanical safeguards. Although the mechanical, that is, technical, aspect of danger control has not yet been fully exploited, substantial gains in the future will be achieved only through more sophisticated application of safety management and techniques and a higher level of co-operation between labour, management and government than is currently evident.

Bear in mind also that, in response to the pressures of a growing concern for the quality of life, as well as to an expanding knowledge and capability in the technical field, there will be a stronger insistence in the future than there is today on the standard of occupational safety and health. For example, many of the limits recommended by the American Conference of Governmental Industrial Hygienists for atmospheric contaminants are being lowered as research and experience reveals that these hazards are greater than was first realized.

Technology is increasing at an accelerating rate that will obviously have a profound effect on the safety and health of workers in the future. On the one hand, this change will undoubtedly continue to eliminate, through automation, many jobs, some of which are dangerous and otherwise undesirable. On the other hand, the advance of technology has led to the production of more and more dangerous substances and conditions.

The hazards of radioactive materials, nuclear devices, chemicals and plastic materials of an unbelievably wide variety illustrate the point. New industries and operations will likely produce new pollutants before we have yet obtained complete control over the old ones.

The technology that will produce new dangers can also produce new safeguards. Space exploration, for example, has shown that where the consequences of accidents are not acceptable to the public, management, labour and government responded to the challenge and developed the required technology.

Hazards more subtle

At the same time, it must be pointed out that many of the new work hazards will be of a more subtle or insidious nature than those we have become accustomed to in the past. For example, the danger of unprotected gears and dusty atmospheres is immediate and self-evident, but the radiation from a radioactive source does not, in most cases, produce any immediate warning of its presence.

It is in man's nature to respond more readily to dangers that provide their own warning, by sound, smell and other physical characteristics, than to those that do not so advertise their presence. In industries where the subtle and insidious hazards as well as the more evident dangers are controlled,

management's direction and example is realistic and continuing. The management team and the work force understand their responsibilities for accident prevention. In this way complacency is avoided and the safety and health functions are fully integrated with all of the other operations of the organization.

Requires technological solution

The answer to safety and health problems caused by technology invariably requires, to a significant degree, a technological solution. This basic truth points the way to the future for accident prevention and means that, in addition to other remedial measures, the need for increasing technical competence in the accident prevention field is basic. More than this, as technical specialization increases, so will the need for the close integration of these specialties through skilled management.

The importance of the safety professional as an advisory member of the management team is just now being realized; a realization that will grow in the future. Although a number of individuals have achieved this status by a variety of routes, it is clear that future demands will be satisfied only by means of formal education and training at the university level. It must not be overlooked that a safety professional needs more than a specialization in one or more disciplines such as noise, lighting, ventilation, etc.; he must also be knowledgeable in such areas as education, training, job safety analysis, etc. and have a special appreciation of the management functions pertaining to safety policy, safety organization and the practical meaning of responsibility, authority and accountability in relation to the prevention of accidents.

Managers also will require more formal education and training in the art of effectively managing accident prevention programs if they are to meet the demands placed on them, particularly in line management. No matter what the future holds, the importance of managers in determining the efficiency and effectiveness of industrial operations will not be diminished.

Workers, for their part, must become more closely identified with the objectives of the organization that employs them, not the least of which is occupational safety and health. This calls for more education and the development of new attitudes by both the employer and employee. The present almost-continuous confrontation in the adversary approach between these two factions of the organization must not be allowed to overflow into accident prevention, to its detriment. The hope is that the magnitude of future technological change and the accident prevention difficulties it will impose will induce a meeting of the minds.

The changing of attitudes that have been developed over a long period of time has been no easy task and there are many examples of failures and partial successes including campaigns to eliminate the excessive use of tobacco, alcohol and drugs and even the more modest undertaking to promote the use of automobile seat belts. Experience suggests that the greatest success in developing desirable attitudes toward accident prevention is achieved if the educational program begins in the schools at an early age. Carelessness and indifference to safety and health must become socially unacceptable. This, and the desire for approval by the peer group, is a strong motivating factor, particularly among young persons. The conclusion is that those concerned with accident prevention would do well to direct more of their future efforts to this area.

Accident prevention plays significant part

The relationship between our standard of living and productivity in the face of dwindling natural resources can be realized only through improved technology and a more effective use of human resources, in which the prevention of accidents plays a significant part.

Companies with superior accident prevention programs have found that, beyond a certain point, improvement in their accident prevention performance depends on a consideration of the worker's total environment, that is to say, his environment at work, at home and in public places. Whether an employee suffers a disabling injury at work, at home or in a public place, the result is the same: he will be absent from work.

It has also been learned that the attitude that fosters the prevention of accidents at work extends beyond the employee's time on the job. In many industries an employee is much safer at work than away from it. Highway accidents alone account for more than 5,000 fatalities a year in Canada. If industry is to achieve the higher standards of accident prevention performance that will be necessary to cope with the technological challenge of the future, it would do well to bear in mind that a good attitude toward safety cannot be turned on and off at the plant gate.

The future in accident prevention is no less challenging for government than it is for labour and management. In fact, its role will

be more essential than it is today and will extend far beyond the customary one of prescribing and enforcing regulations.

The value of annual or other periodic, routine inspections at a frequency that can be justified has been seriously questioned in some quarters and it is the conclusion of some respected authorities in this field that, except for certain technical inspections of boilers, pressure vessels, elevating devices and similar equipment, where safety is an inherent part of the design, periodic inspections are largely a waste of inspectorate resources, resources that could be more effectively applied in the areas of education and consultation. It should be made clear that the reference here is to regulatory inspections and not those inspections that are conducted by management of its own facilities on a regular and frequent basis.

Thus, the role of the regulatory authority in the future will be concerned not only with the enforcement of regulations but also with all aspects of a company's accident prevention program. This will, of necessity, require a general upgrading of the competence of regulatory personnel, an undertaking of no small dimension when due allowance is made for the vested interest in maintaining the status quo and the increasing restrictions on expanding governmental budgets. It would be well, in any case, to emphasize quality rather than quantity because it is the former rather than the latter that will determine the effectiveness of the government's role, a role that must be harmonized into a tripartite effort with labour and management.

Any consideration of the Government's role in the next 75 years of rapidly changing technology would be incomplete if it did not make a point of the contribution to be made by the political sector, because to an increasing extent the basic decisions concerning the quality of life (including the conservation of human and material resources through the prevention of accidents) must be made at the political level, where the interests of all concerned can be brought most clearly into focus. The prediction for the future of accident prevention is that, unless the changes suggested are implemented, accidents will continue to be a major factor in the waste of human and material resources; but, like Charles Dickens' character, Pip, we look to the future with Great Expectations.

Labour Minister John Munro presented with a metric converter by Howard Currie, Director of the Accident Prevention and Compensation Branch.

Merchant Seamen Compensation

Seamen who are not covered under any provincial compensation legislation or under the Government Employees Compensation Act are protected by the Merchant Seamen Compensation Act while their vessel is on a foreign or home trade voyage. The Act dates back to 1946.

To be eligible for compensation, the seamen must be on a ship registered in Canada or chartered by a person whose principal place of business is in Canada. The voyage must also be according to regulations set down in the Canada Shipping Act.

The Merchant Seamen Compensation Board, responsible for administering the Act, is made up of three senior Public Servants appointed by the Governor in Council. Chairman of the Board is Assistant Deputy Minister J-P Després, and Secretary to the Board is J.F. Ellsworth, Chief of the Accident Compensation Division. J.H. Currie, Director of the Accident Prevention and Compensation Branch, is a member of the Board.

Canada Department of Labour Library

by J.P. Whitridge,
Departmental Librarian

When visitors first come to the Canada Department of Labour Library, few realize that the reason the library is there to research and browse in can be credited to a rather unassuming law student from Harvard who wrote in his diary of August 11, 1900: "We must have books."

As far back as 1873, various labour congresses were pressuring the federal Government to have a department of labour to provide information and statistics on labour and industrial relations in Canada. The continuing pressure resulted in the passage of legislation in 1900 establishing a federal Department of Labour.

Following Royal Assent to the legislation, William Mulock, Postmaster General and, subsequently, first Labour Minister in Sir Wilfrid Laurier's Cabinet, contacted Mackenzie King, at that moment holidaying in Rome, and asked him to accept an appointment as editor of *The Labour Gazette*. King was persuaded to set aside his aspirations for an academic career at Harvard University, where he had recently completed his law studies, and accepted the appointment.

Within a month of starting his duties as editor of *The Labour Gazette*, King had decided that the new department would provide a library service, and in the Department's first annual report, for the period July 1900 to June 30, 1901, he was able to say that many reports on industrial conditions in many countries had already been indexed and catalogued in the library. King expressed the hope that the library would prove to be "a store of material which will furnish original sources of information for the history of the industrial growth and development of Canada."

The Department ended its first year of operation with a staff totalling eleven, remaining at that level until January 1903, when it added its first full-time librarian, who had been lured from the Parliamentary Library.

From the inception of the library, its clientele has come mainly from the labour and industrial relations community of Canada. As a unit of the Department, the library serves departmental staff needs, but its invaluable historical collection has always been at the disposal of everyone, particularly students and scholars from high schools, colleges and the two universities in Ottawa, as well as those elsewhere in Canada and the United States. Because of this widespread interest, the interlibrary and general loan services have increased considerably over the past few years.

"Tables of Contents" Listing

For many years the library has produced a "Tables of Contents" list, which has a wide distribution within the Department; it was introduced to eliminate the circulation of current journals. When the lists are returned, photocopies are made of the articles so that our clients have access to the information while it is still current.

Over the years the library has been developing its own methods of processing and making available published material on industrial relations. For example, the library has developed its own list of subject headings, complete with cross references and scope notes and is now working on translating them to French so that information can be retrieved from the library in either language. Copies of the list have been made available to other libraries in the field. Various special classification schemes have been devised in the library to bring similar material together on the shelves for quick retrieval.

In the late forties, the library staff realized that an extremely valuable collection of trade union newspapers was deteriorating and might soon be lost forever to historical research. It was decided to have the whole

collection of Canadian papers microfilmed. Collating of these papers was begun in 1951 and the job was completed several years later. The library now has approximately 400 reels of Canadian labour papers, representing 264 titles, and 500 reels of American labour papers, representing 103 titles, as well as a number of miscellaneous reels. All are available for interlibrary loan to universities and institutions and, in very exceptional cases, to individuals.

Since the initial microfilming project, the titles have been sent for microfilming every two or three years for updating and a negative is kept in the library for copying. Many institutions in Canada and the United States keep files of papers they buy from the Department.

Indexing Service

Since commercial periodical indexing services have shown a singular lack of interest in dealing with industrial relations periodicals, the library began in the fifties to index the periodicals it received. The list of periodicals, including trade union papers, now totals about a thousand. Recent library indexing, along with book accessions, is included in a weekly bulletin published for members of the deparmtental staff and for libraries and institutions in the industrial relations field. Index cards are kept for about ten years.

The monthly list of recently received books is still submitted for inclusion in *The Labour Gazette*, which covers a much larger distribution area. From these listings, the library receives most of its interlibrary and general loan requests.

In this electronic age, the next natural step in the periodical indexing project would be to an automated system to provide greater depth of indexing, faster retrieval and inclusion of abstracts. A system of this type is in operation in the International Labour Office in Geneva, and will be the model for our efforts in the next few years.

As the ILO system is predicated on the use of a fixed vocabulary, the first step in adapting it to our own needs was expansion of its thesaurus of terms. Work on the expansion of the ILO thesaurus (itself an expansion of the OECD macrothesaurus) was undertaken this year by an organization of which we are a member: the Committee of University Industrial Relations Librarians (CUIRL). Despite its seemingly restricted membership, we have representation from the U.S. Department of Labor, the New York State Department of Labor and the New York Public Library.

Acitivities of CUIRL, which has been very much a co-operative venture since it was organized in 1949, have included publishing and maintaining a list of subject headings and an annual list of dissertations, and the creation of an extensive exchange bibliography apparatus. Our library has contributed by compiling the dissertation lists for the years 1970, 1971, and 1972; the 1973 list has just been completed.

Computerized Tape Services

For the past three years the library has subscribed to two computerized tape services, MARC II and Social Science Citation Index, which are available through the National Library. MARC II provides a computer printout of selected weekly references to books and other non-journal material catalogued by the U.S. Library of Congress. The basis for selection is a computer "profile" of subject areas covered in our library, which is matched against the weekly MARC II data base. The printout material thereby isolated from the original data base is useful in cataloguing, and helps in the selection of items for purchase by the library. The second tape service, Social Science Citation Index, provides a similar regular coverage of journal articles of potential interest to Departmental researchers. It allows a biweekly search of material found not only in journals devoted specifically to industrial relations and economics, but also in journals that, though not specializing in these fields, occasionally carry articles of interest to economists and industrial relations researchers.

The library staff have compiled about two hundred and fifty bibliographies on subjects most often dealt with in reference work. The bibliographic references are stored on magnetic "cards." New coded and magnetically stored references can be added in appropriate places on a given bibliographic record, and an updated bibliography can easily and quickly be produced from the coded card using an automatic typewriter. Through regular revision of bibliographies in this way, it is possible to keep the entire collection up to date.

In 1972, a library user questionnaire was designed to obtain a highly detailed profile of the research interests of Departmental clientele. Users were asked to select subject headings of greatest relevance to their work from a list of headings used in cataloguing and indexing in the previous year. The library plans to carry out similar studies on a regular basis to help tailor library support to changing research requirements and to obtain users' evaluation of various library services.

Unique Collection

The library has a rather unique collection of Canadian and American Labour Union Proceedings of the AFL, CIO, AFL/CIO, Trades and Labour Congress of Canada, CCL, CLC, and CNTU (virtually complete), which is kept up to date. Among our holdings are copies of all Labour Canada publications, ILO published reports, U.S. BLS Bulletins and Reports, and almost all Canadian Royal Commissions' Reports as well as the more important British and American commissions of inquiry reports dealing with labour matters. The library also owns a number of rare historical volumes dating back to the 1800's.

The aim is to make the library a pleasant as well as profitable place to visit. Labour and industrial relations may sound dull, but it covers a wide spectrum of subjects such as psychology, behavioral science, economics and sociology. This indicates the diversity of the material available in the Canada Department of Labour Library.

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